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MINUTES OF NUCLEAR WASTE BOARD MEETING

February 20, 1987

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
- Senator Max Benitz
- Curtis Eschels
- Representative Louise Miller
- Senator Irving Newhouse
- Representative Nancy Rust
- Senator Lois J. Stratton

Board Designees/Alternate Designees Present:

- Dr. Royston H. Filby, Water Research Center Designee
- Nancy Kirner, DSHS Alternate Designee
- William Lingley, DNR Alternate Designee
- Pat Tangora, State Energy Office Designee

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

Introductory Remarks

Mr. Bishop acknowledged the busy schedules of the House and Senate members due to the Legislative session and expressed appreciation to those members who were able to attend the Board meeting.

Approval of Minutes

A motion was made and seconded to approve the minutes, as published, of December 19, 1986 and January 16, 1987. The motion carried and the minutes were approved.

Presence of Natural Resources at Hanford

Mr. Bishop reported federal siting standards and regulations for a nuclear waste repository require consideration of the natural resource potential at a site. He recalled the Joint Board and Council meeting held February 19, in which the discussion centered on the presence of natural resources at the Hanford site and the Federal siting standards. Presentations were given by Bill Lingley, Department of Natural Resources (DNR), Curtis Canard, Council of Energy Resource Tribes (CERT), Gordon Bloomquist, Washington State Energy Office (WSEO), and Dr. Bill Brewer, Department of Ecology/Office of Nuclear Waste Management.

Mr. Bishop stated several items involving natural resources at the Hanford site fell under jurisdiction of DNR. In continuation, he introduced Brian Boyle, Commissioner of Public Lands, Department of Natural Resources.

Mr. Boyle informed the Board his presentation dealt with policy reinforcement in support of draft Resolution 87-2. The draft Resolution deals with reassessment of USDOE guidelines on the oil and gas

potential in the Columbia Basin, and preventing the possible foreclosure of economic values regarding oil and gas development. He preceded the presentation by stating he was a member of the Washington State Nuclear Waste Board. However, during the formation of the original task force and the subsequent development of the Board, Mr. Boyle said, he felt it was important to have someone with geological interest and perspective to represent his position as a Board member. To develop and maintain this form of continuity Ray Lasmanis, State Geologist, and Bill Lingley were appointed as Designee and Alternate Designee, respectively.

In his presentation to the Board, Mr. Boyle stated as Commissioner of Public Lands he is the Trust Administrator for approximately 3 million acres of uplands. Additionally, other trust recipients, i.e. prisons, hospitals, and universities also benefit from the administration of trust lands given to the state, by Congress, on statehood in 1889. Throughout the years, Mr. Boyle reported, there have been ongoing problems in diversifying sources of revenue over time. However, attempts have been made to break through the single-purpose orientation that makes school trust incomes dependent on timber revenue. He said there is currently nothing to replace the trust income when timber revenue declines, as it has in the last few years.

In 1981 the Department of Natural Resources (DNR) reviewed the state of Washington's oil and gas laws. In 1982 DNR passed a bill through the Legislature dramatically changing the laws which regulate the oil and gas industries, the pooling of oil and gas reservoirs, and leasing for oil and gas purposes. In addition, Mr. Boyle reported, lease holder rights were incorporated and major changes in the environmental section of the laws became stronger. Laws which had not been changed since 1951 and regulations which had not been changed since 1956 were updated and/or changed. Despite the recession in the oil and gas

industries in recent years, industry interest is still extremely high. Mr. Boyle commented that ninety-five percent of the 400,000 acres of state lands in the Columbia Basin are either leased or presently nominated to lease for oil and gas purposes. Among the companies that have a leaseholder or a fee interest in the basin area are: Shell, Exxon, Chevron, Amoco, Arco, American Hunter, Tyrex and Meridian. As a result, he said, there has been substantial industry investment in the Columbia Basin. Over the last few years \$75 million has been spent in the Columbia Basin for drilling and geology/seismic data; it has been estimated that Shell and Chevron alone, spent \$10 million in seismic activities.

Mr. Boyle said, based on the study prepared by Bill Lingley and Tim Walsh, the Department of Natural Resources believes there are economic and procedural problems with the waste isolation project at Hanford. The regional benefits of oil and gas subsurface hydrocarbon potential in the Columbia Basin may actually outweigh the economic benefit of the Basalt Waste Isolation Project. DNR contends there is significant oil and gas potential around the Hanford area and throughout the Columbia Basin. Mr. Boyle noted the estimates show 30 possible petroleum traps; individually, many of the traps have the potential to produce \$500 million in gas revenue. Subsequently, any one singular trap could represent millions of dollars of income for K-12 education.

In conclusion, Mr. Boyle recalled the state of Washington's challenge to the site selection procedure. He stated there should be more than procedural challenges to the selection procedure; the substantive issues for oil and gas potential, including the weighting effects of oil and gas potential against the economic development potential at the Hanford site, should be considered. Mr. Bishop thanked Mr. Boyle for his presentation.

Bill Lingley reiterated that the DNR study, performed by Tim Walsh and himself, confirmed previous studies undertaken by industry involving Shell, Chevron, etc. Also, it confirms studies done by Rockwell, USDOE (specifically a report performed by Campbell and Banning) acknowledging the potential for major petroleum accumulations in the vicinity of the proposed repository. Basically, Mr. Lingley said, the conclusions of the reports indicate there are numerous and large potential traps for hydrocarbons. He noted the traps as being classified "potential" due to the fact there is no evidence at present to suggest the traps are necessarily charged with hydrocarbons; however, there are large places to store petroleum. The traps are on the same order of magnitude as the structures which form giant oil and natural gas fields in Iran, Canada, and the Rocky Mountains of the U.S. Additionally, the nature of gas shows in wells drilled to date are extremely encouraging. The gas shows recorded in the Shell/Yakima 1-33 and also Shell/Burlington Northern 1-9 were of such a nature, that had the wells been drilled elsewhere and not had to penetrate a thick section of basalt, they would have been commercial. Mr. Lingley continued, stating the thermal history (cooking of the organic carbon in the rocks which could create petroleum) of the Columbia Basin is ideal. The reservoirs in the Basin, while not excellent, were sufficient to contain the kinds of major reserves that would encourage the exploration program that Mr. Boyle previously mentioned.

Senator Max Benitz inquired if Washington, in its history as a state, had received revenue resulting from gas and/or petroleum products. Mr. Boyle stated the revenue received in most recent years has been \$3.5 - \$4 million per year, as a result of bonus bids or leases. Prior to that, he noted, there have been no monies received in actual royalties.

Mr. Bishop called upon Bill Brewer to define the provisions within the Nuclear

Waste Policy Act and Siting Guidelines causing the proposal of draft Resolution 87-2. Dr. Brewer stated natural resources discussed during the previous day's Joint Board and Council presentation were: petroleum (deep natural gas), low-grade geothermal resources, and water resources in future irrigation patterns. He said the natural resources question is treated differently in the Act and Siting Guidelines from any other potential disqualifier. That is, a geological or hydrological issue would have to be addressed in the licensing process, but, the Act is specific in stating a concentration involving natural resources, currently valuable, at a repository site in a greater concentration than the average in the crust of the earth could be an automatic disqualifier.

Resolution 87-2

Draft Resolution 87-2 had previously been distributed for consideration to the Advisory Council and Board during the February 19 Joint meeting. Mr. Bishop noted the Advisory Council had reviewed the proposed draft Resolution and by majority vote recommended the Board consider the concept within. It was moved and seconded the draft Resolution be brought before the Board for discussion.

Dr. Royston Filby pointed out draft Resolution 87-2 addressed the issue of disqualification factors in the siting guidelines. He said the "disqualifier" involves whether mining or exploration will, as in the past, create pathways between the projected underground facility and the accessible environment. In terms of ongoing or future activities, the "disqualifier" must be activities that would lead to an inadvertent loss of waste isolation. Dr. Filby noted it was not evident that substantial exploration or production would result in these factors and this should be clarified.

Curtis Eschels complimented Mr. Boyle for his support and the Department of Natural Resources' vigilance of potential

resource revenue. Mr. Boyle commented the draft Resolution deals with issues of waste isolation and he was in agreement with Senator Benitz regarding the necessity of waste disposal, however, the site specific issues must also be addressed.

Dr. Filby raised the question as to the effect of the repository process if, indeed, USDOE reassessed the Siting Guidelines. Mr. Husseman responded that if the Hanford site was reassessed and the U. S. Department of Energy's determination showed a potential for resources, later causing exploration to take place, it could disrupt the groundwater system or penetrate the repository. Thus USDOE could make a finding that the Hanford site is disqualified and pursue the repository process by selecting another site, or by continuing on with only two proposed sites. Dr. Filby asked if there was currently a mechanism for USDOE to go back and review the guidelines, and would all potential sites be addressed equally. Mr. Husseman stated the general intent of the Act and the siting process is to find a safe repository site that would not be disrupted in the future. If new information is developed and shows disqualification of a selected site, USDOE has authority, under the Act, to take action without having to review all the nominated sites.

Narda Pierce, Assistant Attorney General, explained USDOE, in their preamble to the guidelines, indicates the siting guidelines are to govern not only the recommendation of sites in the Environmental Assessment but also throughout the site characterization process.

Nancy Kirner said perhaps USDOE should be requested to specifically implement plans for reviewing the natural resources potential of the materials underlying the Hanford reservation during site characterization. She stated if there are significant resources, and USDOE performs satisfactory studies during site characterization, a disqualifying factor would be apparent.

Mr. Provost responded when the EA's were performed there was data available to the U.S. Department of Energy which was not considered; also, from a ratepayer/taxpayer viewpoint the USDOE should be looking for fatal flaws in the site selection process.

Ray Isaacson, private citizen from Benton County, stated the majority of proposed exploration for natural resources would take place in Benton County. However, previous explorations performed at Rattlesnake Mountain, in the Yakima Canyon, Whisky Dick, Saddle Mountains, and Lincoln County Explorer 1 have failed to show any commercial quantities of natural gas and no trace of petroleum products. He reported the gases found to date have been methane with no higher forms of natural gases. Upon reviewing the proposed draft Resolution and the wording in reference to "new information", Mr. Isaacson said, the new information available would be unlikely to indicate there are commercial quantities of natural gas present. He suggested the Board request the petroleum exploration companies provide necessary information to justify why exploration would take place in the proposed resource areas, and the expected findings based on research and analysis.

Representative Miller asked Mr. Isaacson if there might be valuable natural resources present in the proposed areas sometime during the next 200-300 years. Mr. Isaacson responded it takes millions of years for the process of underground materials to form into oil and natural gas resources.

Further discussion involving the draft Resolution followed. It was moved and seconded that Resolution 87-2 be adopted as amended. The motion carried unanimously. (See attached Resolution 87-2.)

Testimony of Governor Gardner

Mr. Eschels reported, on behalf of Governor Gardner, he had been in

Washington, D.C. to present testimony to the Senate Committee on Energy and Natural Resources. Mr. Eschels said the testimony centered on the conflict resolution proposal; it asserts Washington State has reason to believe the Nuclear Waste Policy Act was not implemented correctly. In addition, the testimony acknowledges Professor Ralph Keeney and Professor Detlof von Winterfeldt, experts involved in the decision-making process for site selection, performed their own analysis of USDOE's decision. Mr. Eschels said the results of their analysis showed Hanford should not have been on the list. Rather than start the site selection process over, the testimony suggests a process be designed to provide confidence that the search will be for the best site, and selection decisions will be based on credible scientific evidence. Also included in the Governor's recommendation is the possibility USDOE might accept the invitation to develop a proposal for a mid-course correction to the high-level waste repository program. In such an event, representatives of interested and affected parties would be invited to participate, including: states and tribes, environmental groups, nuclear utilities, etc.

Mr. Eschels said Ben Rusche, USDOE, testified Washington's conflict resolution proposal was unrealistic. Mr. Rusche stated the U.S. Department of Energy preferred a solution from Congress or an independent party such as the Nuclear Regulatory Commission. The Congressional reaction was strongly directed at the proposal to suspend the second repository search. The House focused on issues regarding the first repository decision and the possible collapse of the site selection process. In conclusion, Mr. Eschels said continued emphasis by Washington state is centered on support for the Act and its underlying fundamental principles, including the need for a solution to the nuclear waste problem. He noted the Act, as it's being implemented, is unlikely to lead to that solution.

Correspondence

Terry Husseman reported the following items were included in the Board notebooks: 1) Secretary Herrington's recent statement given before the Senate Energy and Natural Resources Committee on January 29, 1987, 2) Senator Evans' statement to the Committee regarding the hearing on DOE's nuclear waste activities, dated January 29, 1987, 3) a statement from Melvin R. Sampson, Chairman of the Yakima Tribal Council, to the Senate Energy and Natural Resources Committee, February 4, 1987, 4) an opening statement by Senator McClure regarding the February 5, 1987 hearing on DOE's nuclear waste program, and 5) Congressman Morris Udall's statement regarding the Oversight Hearing on DOE's budget request for FY 1988, of February 10, 1987.

The next item of correspondence was a letter to Secretary Herrington from Congressman Sharp, Chairman of the Subcommittee on Energy and Power, dated February 2, 1987. Mr. Husseman said the letter requested Secretary Herrington to provide answers to Congressman Sharp's questions regarding USDOE's actions described in the Draft Amendment of the Mission Plan.

Mr. Husseman referred to a statement from Senator George Mitchell, dated February 19, 1987, urging USDOE to reaffirm its decision to abandon a second high-level waste repository. Attached to Senator Mitchell's statement, he said, was a letter signed by Senators from the second-round states requesting USDOE to remain committed to its decision to indefinitely postpone the site-specific search for a second repository. The letter stated "it would be a mistake for DOE to allow political pressures to change its technical decisions."

Additional correspondence included a letter to NRC, from Warren Bishop, dated February 13, 1987. Mr. Husseman said the letter contained comments relating to

NRC's proposed advisory committee for negotiated rulemaking. The committee's primary assignment would be an attempt to develop a consensus on revisions to the NRC's rules regarding the submission of records and documents related to the licensing of a geologic repository for the disposal of high-level nuclear waste. Additionally, the proposed revisions include a central computerized data system to manage and make available all the documented information involved in the program.

Mr. Husseman briefly commented on an informational article written by Luther J. Carter, former editor of Science Magazine. He said Mr. Carter's article describes the national program as being in "deep legal and political trouble" and analyzes where the siting effort has gone astray. Mr. Carter recommends Congress focus on a single site that is both technically promising and relatively free of land-use and environmental conflicts, i.e. Yucca Mountain, Nevada.

In conclusion, Mr. Husseman stated the most significant recent development was USDOE's notice of intent for a RFP, published in the February 13 edition of the Commerce Business Daily. He said USDOE's request for proposals (RFP) was in reference to a major contract on the repository program, in which a central contractor would be hired to work out of USDOE Headquarters. The contractor would be responsible for the work performed at all characterized sites; the concept of a single contractor would be to develop uniform and consistent procedures at the sites. Mr. Husseman noted USDOE's selection and implementation process for an RFP will take approximately 2 years.

Richland USDOE Report

Max Powell, Richland USDOE, reaffirmed USDOE's announcement in the Commerce Business Daily regarding the RFP. He reported the U.S. Department

of Energy's proposal for a single contractor would represent a total repository program. It would be an attempt to consolidate the activities of the three sites, thus all procedures implemented regarding the sites would be equal.

Mr. Powell referred to the issue regarding the natural resource potentials. He stated Chapter 8.3.1.6, of the Site Characterization Plan, addressed USDOE's study plans for performing additional research on potential resources. He noted it should be available for review by mid-April and would be open for the state's comments. The final copy of the Site Characterization Plan is scheduled for July.

States/Tribes/USDOE Report

Mr. Husseman reported the recent States/Tribes/USDOE quarterly meeting had been held in Spokane, Washington. He said it was to be the first open meeting in which the public could attend and participate. However, USDOE failed to notify the public prior to the meeting and attendance was poor.

One issue discussed during the meeting was the draft amendment to the Mission Plan. Mr. Husseman said an attempt was made to clarify USDOE's position regarding the Nuclear Waste Policy Act. USDOE's original position stated an indefinite postponement of the second-round sites unless instructed to do otherwise by Congress; in a more recent statement USDOE proposed to go forward with the second-round process unless affirmative action indicating otherwise was taken by Congress. Mr. Husseman reported funding for states and tribes was also discussed during the meeting. He noted a representative from NCSL voiced the strongest concern regarding funding. The NCSL committee meets quarterly to discuss issues related to the repository program. Funds for the committee have been provided by USDOE for the last two years; current funds will soon be depleted. In conclusion, USDOE

was requested to make grant funds a high priority issue.

Mr. Bishop commented that the quarterly State/Tribes/USDOE meetings are very significant to the states and tribes. He stated the meetings provide an opportunity for USDOE Headquarters staff, Project Offices staff, and staff from the states of Mississippi, Utah and Louisiana to discuss and resolve technical and major policy issues.

Resolution 87-3

Mr. Bishop announced the upcoming retirement of Anne Macrae, Administrative Assistant to the Board and Chair. He acknowledged Ms. Macrae's dedicated service and commitment to the Board since its inception. Mr. Bishop further commended Ms. Macrae for her ability to produce detailed and informative Minutes of the Board's activities. A motion was entertained to adopt Resolution 87-3. The motion was seconded and carried unanimously. (See attached Resolution 87-3.)

Ms. Macrae expressed appreciation to the Board for its recognition of her work. She thanked the Board for the opportunity to have worked with the members throughout the years.

Mission Plan Amendments

Mr. Husseman reported a draft amendment to the Mission Plan had recently been sent to Congress. (See attached Issue Paper, January 1987 Draft Amendment to the Mission Plan.) He said the state of Washington has until the end of March to submit comments regarding the draft amendment to USDOE. After the 60 day comment period, USDOE will revise the draft document and formally submit the final Mission Plan amendment to Congress.

Due to the time limit for preparing comments, Mr. Bishop proposed the Mission Plan Review Committee be reactivated as

a means of reviewing the draft amendments. The committee's recommendations would then be forwarded to the Board and Advisory Council for action.

"Lost" Waste Sites at Hanford

Al Conklin, Office of Radiation Protection, stated his report, titled "Lost' Waste Sites At Hanford", had been prepared in response to a question raised during the December 3, 1986 House Energy and Utilities Committee hearing. He said the report offers information on the 200 and 600 Areas, where most waste is located. The problems documented in the report are not the result of current operational methods; it is rather the result of past malpractices, including poor maintenance, inadequate record keeping, undocumented burials and the former lack of an effective waste site monitoring program.

Considerable effort, Mr. Conklin reported, has been expended by USDOE contractors in recent years to identify and characterize contaminated areas. However, many unknowns and questions remain. All major waste disposal sites appear to be accounted for and evidence suggests that only sites and areas containing relatively small amounts of low-level radioactivity are truly "lost". The Hanford waste sites are identified by using a number and lettering system. The first number identifies the area, the next two numbers indicate the type of site, and finally the letter represents the associated area or facility. The locations of these sites are generally known but, in whole or in part, they cannot be accurately located by an inspection of the surface. Coordinates are available for most sites, but the accuracy of these coordinates is sometimes questionable. If locations are questionable enough to inhibit accurate monitoring of the surface, or would interfere with excavations, they are put into the "lost" category. He said the USDOE Richland Operations Office has initiated investigations of all inactive waste disposal and unplanned release sites in accordance

with EPA CERCLA (Superfund) regulations. The report is titled "Draft Phase I Installation Assessment of Inactive Waste Disposal Sites at Hanford" and assesses 337 known engineered waste disposal sites. Additionally, Hanford is currently developing an addendum to the draft report which evaluates all known unplanned release sites.

Mr. Conklin said although the 55 specific sites discussed in the report are "lost" to one degree or other, it should be noted that lost waste sites represent little or no current impact on the health of the public. To ensure the health of Hanford workers, the entire Separations Area is assumed to be contaminated. He said prior to any work involving soil disturbance, excavation, or drilling, a permit is required. Additional assurance is offered by an extensive localized environmental monitoring program site specific to these waste sites.

Mr. Conklin reiterated that progress towards identification, location and clean-up of the sites is such that the problems of "lost" waste will gradually disappear, and the environment will be better protected from future problems. He said this will be due not only to better waste management, which is now being implemented, but by the increasing role of the state of Washington and the U.S. Congress in regard to on-site environmental protection activities. This role will include increased soil characterization (surface and core sampling, and radiological surveys) in areas of known or suspected contamination, coordination of an aerial radiological survey, increased gamma measurements using thermoluminescent dosimeters (TLDs), and air and ground water sampling.

Senator Benitz inquired if the areas documented in the report were open to the public. Mr. Conklin responded that most of the areas were located inside the 200 Area fences. The areas which were not inside fences, however, pose no health threats and have priority in regard to

developing sampling plans for full characterization. All of the areas, he said, were isolated in the middle of the Hanford Reservation and not accessible to the general public.

Committee Reports

Hanford Historical Documents Review Committee: Dr. Royston Filby, Chair, reported the HHDC met on January 23, 1987. The committee discussed three major recommendations resulting from the Hanford Health Effects Panel. These issues were: 1) radiological dose reconstruction, 2) thyroid morbidity, and 3) cancer mortality. He said the HHDC had previously determined all three issues were important but the radiological dose reconstruction study had the highest priority. As a result of the committee's findings, discussion and activity has centered around the dose reconstruction study issue.

Dr. Filby said the HHDC initially took the position that dose reconstruction would be an independent project on a regional basis. The U.S. Department of Energy, he noted, was also contemplating a dose reconstruction project due to a lawsuit filed by the Colville Indians. In the interim, Nevada presented a report involving its dose reconstruction program. The report described the Nevada test site dose reconstruction project as an ongoing study, already having cost approximately \$15 million and not yet completed. Upon review of Nevada's report, the HHDC concluded the Hanford dose reconstruction project, though different, would still be a large scale, multi-year project. It seems unlikely and unnecessary that two independent dose reconstruction efforts be performed; thus the feasibility of a joint dose reconstruction study between the HHDC and USDOE arose.

During the previous HHDC meeting, the committee agreed to explore the possibility of a joint dose reconstruction study with USDOE and to determine if a

suitable mechanism for carrying out a joint study could be found. The end result of such a study would have to be a product that is scientifically and publicly credible, in addition to satisfying the states, tribes, and USDOE needs. Dr. Filby said a subcommittee has been formed to negotiate with USDOE and PNL regarding these issues. The subcommittee members are: Terry Husseman, Mary Lou Blazek, and Jack Wittman.

In conclusion of his report of the HHDC, Dr. Filby stated the committee is currently evaluating the epidemiological studies; a preliminary cost estimate for implementing the morbidity and mortality studies has been sent to USDOE.

Environmental Monitoring Committee: Nancy Kirner reported the Hanford Health Effects Panel (HHEP) draft report, compiled by the Centers for Disease Control (CDC) has been received by the committee and is now being reviewed. She noted the report will be under review until February 27 and copies of the report were available by contacting Al Conklin, Office of Radiation Protection, or Joe Stohr, Office of Nuclear Waste Management. Ms. Kirner said DSHS has completed the HHEP recommendation. A response will be prepared for the individuals who testified at the panel meeting. Ms. Kirner reported the committee is also considering a recent report distributed by HEAL and performed by SEARCH Technical Services. The report attempts to address the technical aspects of groundwater travel speed at the Hanford Reservation. She said there have been ongoing discussions among USDOE, USGS, and SEARCH regarding this issue.

Ms. Kirner noted the Environmental Monitoring Committee's concern regarding the distribution of information dealing with significant environmental aspects. On behalf of the committee, she requested such information be forwarded to Jeanne Rensel, Librarian, Office of

Nuclear Waste Management. In closing, Ms. Kirner said the next Environmental Monitoring Committee meeting will be March 13, Building 5 of the Airdustrial Park.

Transportation Committee: Pat Tangora reported the committee met on February 13. She said the committee will be taking an active role in reviewing federal legislation and the Hazardous Materials Transportation Act. Additionally, a series of meetings in regard to the Waste Isolation Pilot Project in New Mexico and its transportation issues will soon begin. Ms. Tangora stated the project is designed for the storage of transuranic wastes. There are currently transuranic wastes stored at the Hanford site and shipments from Hanford would begin in approximately 1990. USDOE proposes to have a meeting with the state of Washington and perhaps a joint meeting with Oregon in April/May.

Defense Waste Committee: Mr. Bishop stated the Defense Waste Committee did not meet during the month of February.

Socioeconomic Committee: Curtis Eschels reported the committee met on January 27 at the Benton County Annex. The committee's discussion involved the status of procedures to calculate Payments Equal to Taxes (PETT). Mr. Eschels said the Department of Revenue presented a scope of work to be considered by the Socioeconomic Committee; subsequent to the meeting, the Department of Revenue had decided to use its own staff to audit BWIP expenditures on site characterization.

Negotiations between the Mid-Columbia Consortium and the committee dealt with a contract for review of the impact report and for calculation of payments equal to taxes owed to local government. Mr. Eschels reported once the memorandum of agreement is signed, the Consortium can fund the local assessors to begin to calculate payments equal to taxes.

Committee members have received a draft copy of the Socioeconomic Monitoring and Mitigation Plan of USDOE. Committee comments regarding the Monitoring and Mitigation Plan are due back to USDOE by March 1. Mr. Eschels noted the committee's draft comments focus on the failure of USDOE to address social and economic impacts of site characterization.

Litigation Status

Narda Pierce, Assistant Attorney General, reported the state of Washington's "Litigation Funding Case" was argued to the Court of Appeals, San Francisco, on February 12. She said the argument ended the adversarial process and the case is now before the Judges for resolution.

The U.S. Justice Department responded to the state's discovery motions relating to the selection process; all internal deliberative memoranda of the Department will be made available. Ms. Pierce said follow-up consisted of a letter to the Justice Department asking for details of information being provided. Included with the letter was a reply brief stating a trial type proceeding and extra record evidence was needed. The issue regarding the failure to address the geothermal resource as one of the factors omitted from the assessment was addressed as justification for the request of extra record evidence. She said the reply has been filed and is the last of the briefs regarding the discovery issues.

Tennessee has filed a petition with the U.S. Supreme Court asking for a review of the 6th Circuit decision which determined the U.S. Department of Energy did not have to consult with Tennessee before the MRS proposal was submitted to Congress.

State Legislation

Linda Steinmann stated the Board activities related to the legislative proposals

of high-level nuclear waste are: 1) transportation, 2) health effects, 3) taxing of repository related activities, and 4) litigation funding. A brief report of each issue followed:

Transportation: She reported SB 5164, Radioactive Materials Interstate Agreement, has cleared the Senate and is now in House Energy. The bill was amended on the Senate floor to provide for consultation with affected tribes. SSB 5165, Radioactive Materials Transportation Permit, has cleared Senate Energy and is now in Rules. SSB 5222, Radioactive Ports of Entry, (cf HB 385) would require legislative approval for designating new radioactive ports of entry in the state of Washington. The Senate bill has cleared Senate Energy and is now in Rules; the House bill is still in House Energy.

Health Effects: Ms. Steinmann reported HB 265, Cancer Registry, would direct DSHS to contract to establish a statewide cancer registry and would provide \$600,000 for biennium funding. This bill is still in House Health Care Committee and has been held up for approximately 3 weeks due to funding and administration issues. She noted an outcome of the study could be recommendations to the 1988 legislature.

Taxing of Repository Related Activities: HB 357, Income Tax/Radioactive Waste, is currently in House Energy. Ms. Steinmann said this bill would extend the 30% B&O taxes regarding low-level radioactive waste disposal to all radioactive waste disposal.

Litigation Funding: SB 5351, Supplemental Budget, contains \$149,000 for the U.S. Department of Ecology regarding the USDOE repository site selection process litigation. The bill is in the Senate Ways and Means Committee.

Ms. Steinmann reported three recent Bills relating to the compliance of environmental laws are: HB 988, 990, and 991.

They direct the Department of Ecology to use all means consistent with federal law to enforce state and federal environmental laws relating to N-reactor, site characterization, and general federal nuclear facility activities at the Hanford site.

DHB 409, Department of Public Health, (cf SB 5377), if passed, would transfer the public health functions of DSHS over to the Department of Ecology and rename Ecology the Department of Public Health and Environment. The House bill has cleared House Health Care and is currently in House State Government; the Senate bill is in Rules.

HB 639, Nuclear Safety Department, would create a department of nuclear safety. The passing of this bill would combine DSHS Radiation Protection, Department of Ecology's Nuclear Waste Management, and EFSEC into a singular agency. Ms. Steinmann said this bill is scheduled for House Energy.

Federal Legislation

Charles Roe, Assistant Attorney General, reported Senator McClure will introduce the Udall Compromise, which is a modified version of the S 1225 Price-Anderson activity in the last session of Congress. He said it appears there will be no Price-Anderson legislation passed before the termination of the present Price-Anderson extension. There have not been any major bills introduced, at this time, in regard to the Nuclear Waste Policy Act legislation. Mr. Roe said a bill resulting from the statement of Senator George Mitchell, Maine, and the issuance of the joint letter by the eastern Senators' on resumption of the search for a second high-level nuclear waste repository site, will soon be introduced.

Public Comment

None. There being no further business, the meeting was adjourned.

**ISSUE PAPER
ON
THE JANUARY 1987 DRAFT AMENDMENT TO THE MISSION PLAN**

Purpose: Section 301 of the Nuclear Waste Policy Act requires the Secretary of Energy to prepare a comprehensive report, known as the Mission Plan, which shall provide an informational basis sufficient to permit informed decisions to be made in carrying out the repository program and the research, development, and demonstration program required under the Act. The Secretary submitted a Mission Plan to Congress in July 1985. The draft amendment is being submitted because issues have emerged that warrant Congressional attention. In a recent letter to the General Accounting Office, a USDOE General Council stated that an amendment to the Mission Plan does not repeal requirements of the Nuclear Waste Policy Act.

Issues:

1. Section 112 of the NWPA requires USDOE to select sites for characterization for a second repository by July 1, 1989. In the amended Mission Plan, USDOE states it believes site-specific work should be reconsidered in the mid-1990s.
2. Section 302(5)(A) states that in return for payment of fees into the Nuclear Waste Fund by utilities, the Secretary, beginning not later than January 31, 1998, will dispose of spent nuclear fuel. The Mission Plan amendments call for a five year extension of the first repository program to 2003 to allow time to carry out the necessary high-quality technical program.
3. USDOE was unable to submit the Monitored Retrievable Storage (MRS) proposal to Congress as required by Section 141 of the Act, but the Department is prepared to submit the proposal when legal issues are resolved.
4. Section 113(b)(3)(C) restricts the USDOE to only those site characterization activities as the Secretary considers necessary to provide the data required for evaluation of the suitability of such candidate site. The July 1985 plan reported that Hanford would have two exploratory shafts, with both shafts having an inside finished diameter of six feet. The new plan calls for one shaft with an inside diameter of six feet and a second shaft with an inside diameter of ten to twelve feet. USDOE is evaluating the most cost effective use of the shafts in operating the repository.

State of Washington Positions:

1. USDOE's reiteration of its earlier position on the indefinite postponement of the second round is in direct violation of the NWPA. Abandoning schedules contained in the Act cannot be accomplished by an administrative decree such as the Mission Plan.
2. The stretch out of the first round process is a belated recognition by USDOE that the 1998 date is unrealistic.
3. The amended plan reiterates USDOE's position that a MRS facility should be constructed. This is consistent with the state's position that a solution must be found for the utilities' short-term problems.
4. The Department has not provided the design basis for justification of a larger exploratory shaft. USDOE must explain why a larger shaft is now needed and what additional cost is associated with a larger shaft.

Review Process: After a comment period of sixty days, USDOE will revise the draft document and formally submit the Mission Plan amendment to Congress. The NWPA states that the Secretary shall use the plan at the end of the first period of thirty calendar days following receipt of the plan by the Congress.

WASHINGTON STATE NUCLEAR WASTE BOARD

RESOLUTION 87-2

February 20, 1987

WHEREAS, the Nuclear Waste Policy Act of 1982 requires the Secretary of Energy to issue general guidelines for the recommendation of sites for repositories, and such guidelines shall specify factors that qualify or disqualify any site from development as a repository; and

WHEREAS, the presence of valuable natural resources in the vicinity of the repository is one of the factors specified in the Act which can disqualify a site; and

WHEREAS, in December 1984, the U.S. Department of Energy issued "General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories"; and

WHEREAS, the adopted guidelines state that a site shall be disqualified if:

- "(1) Previous exploration, mining, or extraction activities for resources of commercial importance at the site have created significant pathways between the projected underground facility and the accessible environment. . ." or
- "(2) Ongoing or likely future activities to recover presently valuable natural minerals outside the controlled area would be expected to lead to an inadvertent loss of waste isolation."; and

WHEREAS, the May 1986 final Environmental Assessment stated that the data show a lack of major exploration, mining, or extraction of resources in the reference repository location and this data base is not expected to change; and

WHEREAS, the Nuclear Regulatory Commission December 1986 review of the Hanford Environmental Assessment documented a major concern that the USDOE analysis on natural resources did not consider new geothermal resource information acquired and evaluated by the Bonneville Power Administration and published in June 1985; and

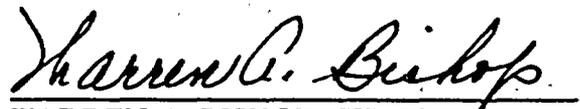
WHEREAS, the Washington State Department of Natural Resources and the U.S. Bureau of Land Management report that they have received a considerable number of requests to explore at and around the Hanford Reservation for petroleum resources of commercial importance; and

WHEREAS, the Washington State Department of Natural Resources has had an ongoing program which has documented the significant possibility that petroleum resources of commercial importance may be available near the site; future exploration for such resources could create significant pathways to the accessible environment;

NOW, THEREFORE, BE IT RESOLVED by the Washington State Nuclear Waste Board that:

1. The Board respectfully petitions the Secretary of Energy to reevaluate the application of the guidelines as they relate to the new information about the Hanford site.
2. The Board directs staff to assist in the reevaluation of the applications of said guidelines.
3. The Board directs the Nuclear Waste Board Chair to transmit this resolution to the Secretary of Energy, appropriate Congressional committee members and the state of Washington Congressional delegation.

Adopted at Lacey, Washington this 20th day of February, 1987.


WARREN A. BISHOP, CHAIR
WASHINGTON STATE
NUCLEAR WASTE BOARD

WASHINGTON STATE NUCLEAR WASTE BOARD

RESOLUTION 87-3

February 20, 1987

WHEREAS, the Washington State Nuclear Waste Board recognizes the critical role carried out by the administrative assistant to the Board and Chair; and

WHEREAS, the administrative assistant has used skill and tact, plus a great commitment of time and energy to provide a valuable service to the Board; and

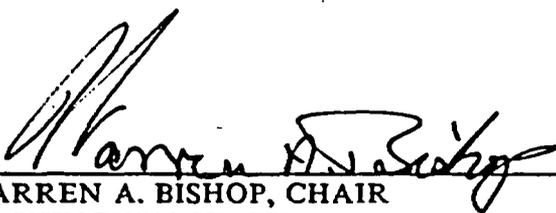
WHEREAS, the administrative assistant to the Board and Chair has deftly handled the most difficult procedural matters, has flawlessly summarized loquacious legal and technical presentations, has smoothed out many garbled motions, and has produced clear understandable minutes; and

WHEREAS, Anne Macrae has served conscientiously and sincerely as administrative assistant to the Board and Chairman since 1983;

NOW, THEREFORE, BE IT RESOLVED that the Washington State Nuclear Waste Board expresses its sincere appreciation of Anne Macrae for her dedicated service to the Board, and to the citizens of the state of Washington for a long and distinguished public service career;

BE IT FURTHER RESOLVED that the Board wishes Anne Macrae a rewarding and active retirement.

Adopted at Lacey, Washington this 20th day of February 1987.


WARREN A. BISHOP, CHAIR
WASHINGTON STATE
NUCLEAR WASTE BOARD