

WARREN A. BISHOP
Chair



STATE OF WASHINGTON

NUCLEAR WASTE BOARD

Mail Stop PV-11 • Olympia, Washington 98504 • (206) 459-6670

MINUTES OF THE NUCLEAR WASTE BOARD MEETING

September 18, 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 Shirley Hankins
Representative Louise Miller
Representative Dick Nelson
Senator Irving Newhouse
Representative Nancy Rust
Senator Lois J. Stratton
Richard Watson, State Energy Office
Senator Al Williams

Board Designees/Alternate Designees Present:

Ray Lasmanis, DNR Designee
Robert Mooney, DSHS Alternate Designee
Roger Stanley, Department of Ecology Designee

Council Members Present

Pam Behring
Phyllis Clausen
Nancy Hovis
Sam Reed
Commissioner Ken Miller
Betty Shreve
Michael Spranger
Shirley Tucker
Jim Worthington

8712020399 870918
PDR WASTE
WM-10 PDR

The September 18, 1987 Nuclear Waste Board meeting was called to order by Warren A. Bishop, Chair.

Introductory Remarks

Mr. Bishop introduced Ms. Shirley Tucker (West Richland, WA) as a newly appointed Advisory Council member. He then acknowledged Robert Mooney present at the day's meeting to represent Terry Strong, Department Social Health Services (DSHS).

Minutes

A motion for the approval of the August 21, 1987 Nuclear Waste Board minutes was entertained. The motion was moved, seconded and carried. The minutes were approved as published.

Correspondence/Recent Developments

Max Power reported on the following recent developments in regard to nuclear waste issues.

- Ben Rusche, U.S. Department of Energy, announced his resignation as Director of the Office of Civilian Radioactive Waste Management (OCRWM) to become a senior vice-president of a private engineering firm in Atlanta, Georgia. Deputy Director Charles Kay will become the Acting Director during the interim process of selecting a permanent Director for OCRWM.
- The state of Washington had previously made a request to USDOE concerning an extension of the 90-day review schedule of the Site Characterization Plan (SCP). USDOE had agreed to adjust the process of preparing the SCPs by first issuing "consultation draft" SCPs for all three sites in early January 1988. The USDOE will hold consultation workshops with

the states, tribes and NRC upon release of the draft documents. Comments and ideas will be obtained from the consultation meetings to assist the USDOE in its preparation of the SCPs. The SCPs will then be released and followed with a 90-day comment period and public hearings.

- A recent release of report language from the Senate Appropriations Committee reflected its recommendation that \$360,000,000 be provided for repository related activities from the Department of Energy's nuclear waste fund in FY 1988 (it was noted that the House Appropriations Committee had requested \$500,000,000). The Committee's recommendation intended to allow the Department to proceed toward construction of a monitored retrievable storage (MRS) facility, select a single candidate repository site for characterization, and provide incentive payments for a repository or MRS according to the provisions of Senator Johnston's earlier bill, S.839. If, however, Congress decided to continue along the current course and characterize three repository sites in parallel, significant additional resources would be required to carry out the program in FY 1988.

- The House Committee on Interior and Insular Affairs, Subcommittee on Energy and the Environment held a hearing on Congressman Udall's moratorium bill (H.R. 2888) and the revised moratorium bill with special negotiator (H.R. 2957). Terry Husseman, on behalf of Governor Gardner, presented testimony to the Subcommittee in support of the Udall legislation. The state of Washington was optimistic that H. R. 2888 and H.R. 2957

would provide an opportunity to put the site selection process onto the right track and develop a solution to the nation's nuclear waste disposal problem.

Several Congressional members and representatives from first- and second-round states were present at the hearing to provide their views to the moratorium approach. Governor Bryan of Nevada reiterated that the state of Nevada was not interested in hosting a repository. He spoke forcefully against the Johnston bill and in favor of the moratorium approach. A spokesperson for utilities endorsed the Johnston bill but noted support of the Udall negotiator proposal. The National Association of Regulatory Utility Commissioners (NARUC) did not take a position on the moratorium but noted that the management of the program was in need of redirection. A panel of governor representatives, including Washington, Texas, Tennessee and Maine, unanimously supported the Udall moratorium approach. In addition, a panel of affected Indian tribe representatives also supported the Udall bill.

The state of New Mexico's interest in the repository program has resulted in significant developments during the last few weeks. On September 4, 1987 the Business, Economic Development and Telecommunications Committee of the New Mexico legislature unanimously passed a resolution requesting USDOE to consider southeast New Mexico for the repository. (The state already hosts the Waste Isolation Pilot Project (WIPP) where future shipments of military transuranic waste may eventually be buried.) In addition, Governor Carruthers has indicated his sup-

port of having New Mexico studied as a waste repository site under the conditions that all safety and environmental standards and requirements could be met. On September 17, the Energy, Natural Resources and Extractive Industries Committee of the New Mexico legislature passed yet another resolution. It explicitly urged the Governor and the New Mexico Congressional delegation to support legislation that requires USDOE to select, by January 1, 1989, one site for characterization as a possible site for a high-level waste repository (Johnston-McClure Bill). Furthermore, it requested that the legislation be amended to allow a site in southeastern New Mexico to be added to the list of candidate sites for both the monitored retrievable storage (MRS) and the permanent high-level repository facility.

Representative Dick Nelson inquired if there would be enough volume within the WIPP location to accommodate both high-level and transuranic waste. Mr. Power responded that the existing WIPP site was limited by law to transuranic waste only. A separate site approximately 10 miles southeast of WIPP was being proposed as a possible repository site.

As reported during the August Board meeting, Congress had withheld \$79 million from the USDOE's FY 1987 appropriations pending certification of satisfactory progress in consultation and cooperation with the states and affected Indian tribes. The USDOE had submitted a C&C Certification Report to Congress indicating that progress had been made, thus requesting a release of the \$79 million. The state of Washington had also prepared a report on consultation and cooperation in which

concerns and recommendations to improve USDOE-state/tribal relations were noted.

An invitation had been extended to Mr. Ben Smith of the Tennessee State Planning Office to address the October meeting of the Board and Council on the subject of near-term storage of high-level nuclear waste. Mr. Smith has been asked to present information on Tennessee's analysis of the need for an MRS facility, experience as a candidate state, the feasibility of alternative storage options, and views on federal legislation to amend the NWPA.

Economic Baseline and Future Scenarios for Tri-Cities

John Petterson, Impact Assessment, Inc., presented a slide show that depicted various employment scenarios of the Tri-Cities area (Kennewick, Richland and Pasco) that could be expected with various defense waste, nuclear material production, and repository related activities. Upon completion of his presentation, Mr. Petterson called upon the Board and Council for questions or comments.

Representative Nelson inquired as to an MRS being included as a potential option to employment in the scenarios. Mr. Petterson responded that the first repository states could not be considered for an MRS under the current NWPA. However, if the Act were re-written it would be a viable option. Next, Representative Nelson asked if non-Hanford employment for the next 100 years had yet been projected. Mr. Petterson stated that graphs for tourism, agriculture, manufacturing and trade had been completed but it had been difficult to distinguish between portions of the economy that were Hanford related or non-Hanford related. Representative

Nelson inquired if relative comparisons would be done on the full life of the Hanford project including forty years of operations. Mr. Petterson confirmed that these types of comparisons would be performed.

Representative Hankins asked if a scenario had been done on a total statewide basis in regard to a complete shutdown of the N-reactor. Mr. Petterson commented there had not been a scenario done on this issue. Representative Hankins recommended that such a scenario be done, starting with the assumption that the N-reactor was down and employment consisted of safety enhancement personnel only. This would be followed by the next layer of permanent personnel lay-offs (to include scientists and staff). Discussion of various scenarios continued.

At the conclusion of the joint session of the meeting, appreciation was expressed to Mr. Petterson for his presentation of scenarios depicting the potential economic and community impacts on the Tri-Cities area. There being no further business, the meeting was adjourned and a recess of the Board and Council was called.

BREAK

The Board resumed and the meeting was called to order.

Mr. Bishop informed members that the Board and Council would be returning to the original format of separate sessions beginning in October. Special joint sessions would be held separate from the regularly scheduled Board and Council meetings.

Defense Waste Fees

Joe Stohr presented background information on the calculation of fees for the disposal of defense high-level nuclear waste.

On April 30, 1985, President Reagan made a decision to commingle defense high-level waste and commercial high-level waste into one repository. The NWPA of 1982 had anticipated this possibility and gave USDOE the authority to allocate costs for the development and operation of a repository system (Section 8 (b)(2) of the Act).

On July 29, 1986, the National Association of Regulatory Utility Commissioners (NARUC) passed a resolution in regard to disposal of defense high-level waste (DHLW) fees. In support of that action the Washington Nuclear Waste Board adopted Resolution 86-5 (September 19, 1986) which included the following NARUC provisions:

- *urged USDOE to allow all affected parties to participate in negotiated rulemaking to determine the formula*
- *urged provisions for interest on payments not yet made to the fund*
- *urged periodic financial reviews*
- *urged USDOE to follow mandate of the NWPA in determining amounts of defense waste to be disposed*
- *urged Congress to assiduously oversee USDOE on this matter.*

On December 2, 1986, the USDOE issued a Federal Register notice that contained three alternative

approaches for the calculation of DHLW charges. They were:

- Option 1: a fee that equals the total cost of disposing of defense high-level waste by OCRWM ("*full cost recovery using sharing formulas*")
- Option 2: a fee based upon 1 mill per kilowatt-hour electric-generation equivalent for the defense reactor operations that produce these wastes ("*1-mill electric-generation equivalent fee*")
- Option 3: a fee based on estimates of the costs of separate repository systems so that defense and civilian fees equal a fraction of the combined repository program costs which are the same as each sector's fraction of the sum of the evaluated costs for separate repository programs ("*cost shares proportional to avoided costs*").

The public had been requested to submit written comments in response to USDOE's December notice of inquiry. In January 1987, the Nuclear Waste Board submitted comments that specifically addressed the process by which the fee-sharing formula was developed and a choice among the three optional methods presented for calculation of defense waste share costs. Representative Dick Nelson and Senator Al Williams also submitted comments that addressed: 1) exclusion or inclusion of certain specific costs; 2) timing of payments; and 3) assumption used in the appended "sample calculations".

On August 20, 1987, the Office of Civilian Radioactive Waste Man-

agement (OCRWM) published a Federal Register notice that set forth the methodology USDOE intends to use in its calculation of the DHLW disposal fees. The Department selected Option 1 ("full cost recovery using sharing formulas") as the preferred option because it seemed most consistent with the intent of the NWPA that both civilian and defense waste generators would pay their full shares of actual costs for the OCRWM disposal system.

NARUC Subcommittee on Nuclear Waste Disposal

Commissioner Richard D. Casad, Utilities and Transportation Commission reported that on September 9, 1987, NARUC had filed a petition with the U.S. Court of Appeals (District of Columbia). The petition requested a review of the Department's procedures in the establishment of defense program contributions to the repository program. It was directed at USDOE's rulemaking decision for methodology set forth in the formula used to allocate the cost of DHLW disposal fees. The cost analysis used to calculate the fee formula had been grouped into three categories: 1) assignable costs - costs are incurred solely for disposal of either civilian waste or defense high-level waste and are allocated in entirety to defense or civilian generators; 2) common variable costs - costs are allocated to both generators on the basis of cost sharing factors developed from physical parameters; and 3) common unassigned costs - costs are the remaining components of those which cannot be directly allocated or cannot be allocated based on the cost sharing factors. In closing, Mr. Casad welcomed support given by the Washington Nuclear Waste Board regarding NARUC's position and prosecution of that position.

Further discussion followed. Senator Al Williams inquired as to what actions the Board could take to support NARUC's position. Mr. Bishop commented that NARUC and the state of Washington had taken different positions in regard to USDOE's choice of options for developing a methodology. Mr. Stohr stated that prior to USDOE's December notice both groups had supported the negotiated rulemaking issue. However, the differences came about when Washington State identified Option 1 as the preferred option; NARUC chose to suggest an option that would look at cost sharing and deferred costs to be gained by not having two separate systems. Mr. Casad responded that NARUC's view of USDOE's adopted methodology for an allocation method was questionable in regard to meeting the mandate of the legislation.

U.S. Bureau of Mines Report

The U.S. Nuclear Regulatory Commission had previously requested the Bureau of Mines to do a study on the feasibility of sinking a shaft to the Cohasset flow at the Hanford site. Ernie Corp, of the Bureau's Spokane office, presented an update on the study. In review of different aspects of the Hanford site, the Bureau had concluded that technology existed to safely sink a 3,300 ft. shaft through the basaltic lava flows of the Pasco Basin. The largest problem that would confront the shaft sinking operation would be water control and would require advanced methods in shaft sinking and water control technology.

The major concerns noted in sinking a shaft at Hanford:

Water inflows - in terms of the water conditions, two methods of

shaft sinking appeared feasible:

1. Large-hole drilling: preferred method in terms of economics and safety, however it might limit the size of the shaft and the sinking method suitable for the exploratory shaft.
2. Conventional drill and blast with freezing and pregrouting: most common method used for large diameter shafts; freezing of the upper unconfined aquifer would probably be required.

High horizontal stress - zones of weak rock, fractured and brecciated pillow basalts: water pressure potentials of 1,400 psi could wash out causing ground instability; in addition, a high horizontal to vertical stress ratio (range of 2.3 to 2.7) had been cited as being indicative of rock bursting. However, Mr. Corp said that most rock failures were nonviolent and not classed as rock bursts; if bursting should become a problem, the rock could be drilled and fractured ahead of mining to relieve excessive stress buildup.

Litigation Status

Narda Pierce reported that the Court had scheduled an oral argument in State of Washington vs. Herrington (Challenge to Suspension of Second Repository) for October 9, 1987. Prebriefing conferences in EPI vs. Herrington (Siting Guidelines Cases and the 1986 Nuclear Waste Policy Act Cases) are scheduled for September 22, 1987.

On August 26, 1987, the Environmental Protection Agency (EPA) filed a motion for a rehearing (a motion to amend the

judgment in Natural Resources Defense Council vs. EPA). The EPA has requested the Court to reinstate portions of the environmental standards for storage and disposal of high-level nuclear waste which had not been found to be faulty. The agency argued that only individual protection and groundwater protection standards should be vacated and remanded.

Committee Reports

Hanford Historical Documents Review Committee: Curtis Eschels reported on the progress of the HHDRS during its August meeting. The committee and a group of technical advisers met to discuss the Dose Reconstruction Study and the criteria for the selection of the Technical Steering Panel (TSP). (The TSP was to be the sole source of technical direction for Battelle's Pacific Northwest Laboratories and others involved in the study.) A request for TSP nominees had been issued and a final selection of eight to twelve panel members would take place in October.

The committee also requested assistance from the Centers for Disease Control (CDC) to develop a Health Study Feasibility Review in which USDOE agreed to provide up to \$50,000. In addition, the Department agreed to fund additional health studies that are shown to be feasible and reasonable. The Health Study Feasibility Review is anticipated to be completed during 1988.

Environmental Monitoring Committee: In regard to the large volumes of high-level, transuranic, and low-level radioactive wastes and chemical wastes that have been stored on or discharged to soils at the Hanford Reservation, Resolution 87-9 was before the Board for its consideration. The recommendation addressed the issues of: the federal government's responsibility to provide for permanent disposal of wastes in

accordance with the NWPA, Resource Conservation and Recovery Act, and the Comprehensive Environmental Response Compensation and Liability Act; independent environmental monitoring and evaluation by the state and affected Indian tribes with respect to the Hanford reservation; extensive participation by the state in the regulatory process; and the need for accelerated characterization and monitoring of environmental radiation conditions. Extensive discussion ensued. A motion was made for the adoption of Resolution 87-9, as amended. The motion moved, seconded and carried. (See attached)

Socioeconomic Committee: Curt Eschels, Chair of the Socioeconomic Committee, reviewed a proposal formally received from a Spokane group of local governments to participate by a Memorandum of Agreement in the socioeconomic impact studies being conducted by the Nuclear Waste Board, with particular emphasis on the transportation impacts of nuclear waste. The Board moved to direct the staff to develop and finalize a Memorandum of Agreement with the Spokane area local government group in coordination with the Local Government Committee of the Nuclear Waste Advisory Council. The motion was carried.

Washington Institute for Public Policy

Dan Silver presented an update of recent WIPP activities. Eight legislative members of the Board would soon be traveling to Europe to meet with European high-level waste managers. There will be two tours in Richland, dealing with the geology of the area, on October 23. The Tri-Cities area will hold a session for legislators, similar to one held for Eastern Washington legislators, beginning October 25; WIPP will sponsor that part which is related to the Hanford reservation. The Institute will

also sponsor a conference for legislators in regard to the NWPA and future of the nuclear waste industry on December 2.

Other Business

- Resolution 87-7 was presented to the Board for approval. It expressed appreciation for the effort and guidance of all 1985-1987 Advisory Council members and also expressed sincere thanks to the outgoing Advisory Council members for their substantial and significant contributions to the nuclear waste program. The resolution was moved, seconded and carried. Resolution 87-7 was adopted unanimously. (See attached)

- Charles Roe presented an update of developments on the liability Price-Anderson front. The House had recently passed a compromise bill between three committees and was now referred to as the Udall-Sharp bill. It has a \$7 billion limit on liability from the nuclear waste fund and provides for Congressional development of payments above the liability limit. The Senate Energy Committee's version of the Price-Anderson bill has a 30 year life and increases the liability limit from \$500 million for DOE contractors to approximately \$6 billion. It was noted the bill dealt only with contractors and would have to be modified to include commercial reactor liability. There would be a new, expedited Congressional procedure established to cover amounts above the \$6 billion. The Senate Environment Committee's bill differs in view of a \$7 billion liability limit and continues to incorporate direct unlimited liability through an established judgment fund.

Currently, Section 114 of the Nuclear Waste Policy Act (NWPA) provides that after characterization of a suitable site DOE must go through a licensing process by filing an application with the Nuclear Regulatory Commission (NRC) for authorization to construct a repository. A judicial process would follow in which the NRC would rule upon its decision whether or not to authorize the repository construction. Mr. Roe reported that the issue of the licensing support system (LSS) and negotiated rule-making had been the topic of discussion in a meeting that had been held between state, utility, USDOE and other federal agency representatives. During that meeting, the NRC had proposed to meet on a monthly basis with 18 formally designated parties to negotiate on procedural rules in areas that dealt with the processing of an application for a licensed repository project. Updates of the meetings would be presented to the Board and Council as they occur.

Mr. Eschels acknowledged that USDOE had agreed to provide a 7-day pre-notification on future shipments of unclassified shipments of spent nuclear fuel and high-level waste. The Department's advance notification procedures commenced on August 1, 1987.

Representative Hankins commented on one of the top 100 technological developments of the year. Two scientists have developed a chemical process to remove transuranic elements from nuclear waste streams and won a prestigious IR-100 award for their efforts.

Public Comment

None.

Adjourn

There being no further business, the September 18, 1987, Nuclear Waste Board meeting was adjourned.

NUCLEAR WASTE BOARD

RESOLUTION 87-8

September 18, 1987

WHEREAS, the Nuclear Waste Advisory Council had diligently and wisely advised the Nuclear Waste Board regarding radioactive waste management and public involvement programs; and

WHEREAS, all members of the 1985-1987 Advisory Council are to be applauded for the many hours they contributed to planning, organizing, and implementing a major program to inform the public about issues which have far-reaching state and national implications; and

WHEREAS, thanks to the effort and thoughtful guidance of the Advisory Council, a successful public information and involvement program has been launched and communication with the state's local officials, organizations and citizens has been enhanced;

NOW THEREFORE BE IT RESOLVED, that the Nuclear Waste Board expresses sincere thanks to outgoing Council members Philip Bereano, Estella Leopold, Valoria Loveland and Terry Novak for their substantial and significant contributions to the state's nuclear waste management program; and

BE IT FURTHER RESOLVED, that the Nuclear Waste Board expresses its deep appreciation for the valuable contributions and dedicated service of William Sebero and Harry Batson.

Approved at Olympia this 18th day of September 1987.


WARREN A. BISHOP, CHAIR
WASHINGTON STATE
NUCLEAR WASTE BOARD

Washington State Nuclear Waste Board

Resolution 87-9

September 18, 1987

WHEREAS, large volumes of high-level, transuranic, and low-level radioactive wastes and chemical wastes associated therewith, have been temporarily stored on or discharged to soils of the Hanford Reservation in Washington State; and

WHEREAS, this accumulation of radioactive and associated chemical defense wastes results from U. S. Department of Energy nuclear defense operations; and

WHEREAS, the federal government has the responsibility to provide for permanent disposal of such wastes in accordance with the Nuclear Waste Policy Act, Resource Conservation and Recovery Act, and the Comprehensive Environmental Response Compensation and Liability Act; and

WHEREAS, the Nuclear Waste Policy Act requires independent environmental monitoring and evaluation by the state and affected Indian tribes with respect to the proposed nuclear waste repository on the Hanford Reservation; and

WHEREAS, the Clean Air Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act, and the Clean Water Act require extensive participation by the state in the regulatory process; and

WHEREAS, to establish an accurate environmental baseline requires fully characterized environmental conditions, taking into consideration the generation of defense wastes; and

WHEREAS, independent environmental monitoring to determine and verify the Hanford area baseline by the state and affected tribes is essential; and

WHEREAS, the continued generation of defense wastes creates a need for accelerated characterization and monitoring of environmental radiation conditions; and

WHEREAS, the resolution of all issues raised in the Defense Waste Draft Environmental Impact Statement (DEIS) is a high priority for the Nuclear Waste Board; and

WHEREAS, the federal government has worked closely with the state to resolve specific DEIS concerns; and

WHEREAS, the U. S. Department of Energy has committed to continue to work in good faith with the Nuclear Waste Board during the future decision making process involved with improved defense waste management; and

WHEREAS, Nuclear Waste Policy Act funding to Washington and the affected tribes is narrowly constrained to repository siting concerns; and

WHEREAS, Congress has not appropriated other funds for the purpose of state and tribal monitoring of defense waste activities at Hanford and for carrying out related regulatory activities.

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

1. Funding for the improved management of existing defense wastes at Hanford should receive a high priority from the U. S. Congress.
2. Funding of state and tribal activities to assure their informed participation in waste management decision-making is a high priority as well.
3. Adequate funding must be provided now from the Nuclear Waste Fund and other USDOE sources in order to characterize the current radiological and chemical environment at Hanford and to monitor any future changes.
4. Congress should establish a mechanism to set aside money in the defense budget, including a "pay as you go" system, for the improved management of newly-generated radioactive, chemical, and mixed defense wastes on the Hanford Reservation.
5. The Board directs the Chair to transmit this Resolution to the Congressional delegation and appropriate persons in the U. S. Department of Energy, and to ask for their assistance on these issues.

Approved at Olympia this 18th day of September 1987.

Warren A. Bishop

WARREN A. BISHOP, CHAIR
WASHINGTON STATE
NUCLEAR WASTE BOARD

PDR-1
LPDR WM-10(2)

WM DOCKET CONTROL
CENTER

'87 OCT 13 P1:44

WM Record File	WM Project
<u>101.3</u>	<u>10</u>
	Docket No. _____
	PDR <input checked="" type="checkbox"/>
	XLPR <input checked="" type="checkbox"/> (LB)
Distribution:	Wassler
<u>1RSB JUB</u>	<u>ADURB 100d</u>
<u>11713 TANK</u>	<u>HYMHO</u>
(Return to WM. 623-SS)	<u>KURBIRB</u>
<u>Mr. McConnell</u>	<u>McConnell</u>

2706