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MINUTES OF NUCLEAR WASTE BOARD MEETING

June 20, 1984

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1:30 p.m.

EFSEC Hearings Room
Rowesix, Building #1
4224 Sixth Avenue S.E.
Lacey, Washington 98504Board Members Present:

Warren A. Bishop, Chair
Senator Max Benitz
Curtis Eschels
Dr. Royston H. Filby, Water Research Center Designee
Senator Sam Guess
Representative Shirley Hankins
Nancy Kirner, DSHS Alternate Designee
Ray Lasmanis, DNR Designee
Representative Louise Miller
Representative Dick Nelson
Representative Nancy Rust
Richard Watson, State Energy Office

Others Present:

Robert Shirley, representing Senator H.A. "Barney" Goltz

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

Mr. Bishop reported the third of five public meetings on the Defense Waste Draft Environmental Impact Statement was completed last night. The meetings were scheduled to share the result of the state's evaluation and analysis and to receive public comment which will be included with the state's final comments. He said the first night in Yakima drew approximately 325 attendees, the following night in Kennewick about 125 people attended, and the attendance was less last night in Spokane, but considerable interest was expressed with very good testimony. The final two meetings will be held next week with one in Vancouver, Tuesday night, and the last meeting in Seattle on Wednesday night. He asked all Board members to encourage people in their own areas to come to these meetings.

It was moved and seconded that the Minutes of the Regular Board Meeting of May 16 and the Special Board Meeting of May 30 be approved as written. Motion Carried.

Correspondence

Mr. Husseman referred to the first letter to the Chair of the Board from William J. Purcell, Associate Director for Geologic Repositories, Office of Civilian Radioactive Waste Management, dated May 22, 1986. This letter was in response to the state's letter originally sent in November concerning socioeconomic risk and the state's request for the opportunity to go back to Washington, D.C. and talk with the responsible persons at USDOE Headquarters and explain the state's position on the type of risk analyses that should be done. The essence of the USDOE response indicates they would be pleased to meet with the state representatives as requested, and the contact would be Mr. Stein. A few days later the first report prepared by the Brookhaven Laboratories was received. It is primarily a literature search, which has not been reviewed yet by the staff. Mr. Husseman said several copies are available and could be obtained from the Office upon request.

The second letter dated May 28th from Secretary Herrington informed the Governor that the Hanford Site was one of the finalists for site characterization. This is the formal notice required under the Nuclear Waste Policy Act.

The next two documents were copies of remarks made by Ben C. Rusche, Director of the Office of Civilian Radioactive Waste Management, USDOE, and the remarks of Governor Gardner before a hearing of the Subcommittee on General Oversight, Northwest Power, and Forest Management, of the Interior and Insular Affairs held by Congressman Weaver on June 9. Mr. Husseman also attended this hearing.

The next letter was circulated by Dr. Filby, who had transmitted information on a meeting to be held at Anaheim, California on September 8-12, 1986, by the Division of Geochemistry, American Chemical Society. Dr. Filby said this meeting will consist of a number of important symposia, and this one on Geochemistry would have most of the people involved in the high-level waste program from the basalt, tuff, and possibly the salt programs who are dealing with geochemical problems. The program is being organized by J.C. Laul, Battelle Pacific Northwest. He said this would probably be the major symposium involved in the geochemical aspects of the high-level waste program. In response to a question from Ray Lasmanis, Mr. Husseman said no decision had been made to send a member of the staff, but he was sure the meeting would be covered. Dr. Filby added he had a series of abstracts of the papers, and would be pleased to make them available to the Office for distribution.

Another letter to the Chair was from the Hanford Education Action League (HEAL) suggesting the Board and Council enlist the U.S. Geological Survey to do a study of radionuclide contamination in

the soil on and around Hanford. Mr. Bishop suggested this letter be handled by the Environmental Monitoring Committee with a recommendation to the Board.

Letters received following the compilation of the notebooks included a letter to Curtis Eschels from the U.S. Department of Energy, Richland, signed by John Anttonen. The letter concerned the Principles of Understanding on Spent-Fuel Shipments. Mr. Eschels recalled that the Near-Term Transportation Committee had been working for six months or so with the Richland Office of USDOE in an effort to reach some Principles of Understanding to govern shipments of spent fuel that occur in the near term. He said there are currently only a few of these shipments, and mostly they have been destined for Hanford for research purposes. The Near-Term group was formed following the state's learning that the Department intended to use first, Tacoma, then later Seattle as possible port of entry. The group's efforts were directed toward formulating principles of how the state would interact with the Federal government on these shipments. They covered adequate notification, inspections of casks, liability, emergency response, etc.

Mr. Eschels continued that he received the letter yesterday and in essence it says that USDOE considered it unfortunate they were unable to negotiate Principles of Understanding. They state USDOE would like to continue negotiations and considered the best place to do that would be in the Consultation and Cooperation Agreement process. They said they would commit to use the last version of the Principles they had proposed to the state for future shipments.

Mr. Eschels said he was not only sad, but disappointed. He thought about six months had just been wasted. He said he had asked the Office of the Attorney General to prepare an Amicus Curiae brief to be submitted to the Court that is hearing the suit filed by the Inland Waters Coalition. He understood the state of California either is, or will be, doing the same thing. He felt it important to protect the interests of the state that the Court be informed of the state's responsibilities and interests. This should occur as soon as next week, Mr. Eschels said.

The next letter dated June 11 addressed to Secretary Herrington was signed by Congressmen Udall, Simpson, McClure, Johnston, and Senators Domenici, Evans, and Laxalt. The letter addresses the decision of the USDOE to postpone the second-round repository process, pointing out that their decision to postpone indefinitely the site-specific work on the second repository could destroy the delicate balance designed to ensure the success of the undertaking. The letter expresses the concern of these Congressmen and asked the USDOE to provide the Congress with a brief of legal authority to show what, if any, authority they had to justify their decision to take the action they did on May 28.

In conjunction with this letter the Board was provided with copies of the Testimony of Governor Gardner to the Senate Subcommittee on Energy Research and Development at the hearing on the second repos-

itory on June 16th, and a copy of the statement of Senator Evans at this same hearing. Mr. Eschels augmented these documents by saying the Governor was able to meet with some of the Congressional delegation and found a great deal of support among them. The hearing included testimony by Senators from Washington, Texas, and Nevada. In addition, Governor Gardner, Governor Bryan from the state of Nevada, and a representative from the state of Texas testified. Following that Russell Jim of the Yakima Indian Nation was on a panel and presented the views of the Yakimas.

Mr. Eschels continued that the Eastern states which had spokesmen there, Senator Warner of Virginia specifically, generally supported the decision about the second-round repository and went even further to praise the general process the Department had followed in its implementation. The various representatives from Nevada and Texas took exactly the opposite viewpoint and stated the Department had so mismanaged the process that they were ready to call for the repeal of the Nuclear Waste Policy Act. He said Governor Gardner took a middle position in his statement saying there are two keys to the state's participation. The first was that the decision should be based on scientific and technical merit, and that the whole site selection process should result in the safest site being selected. The second was that the Department should follow the rules that were established by the Act. He observed that those conditions have not been met, and at that point, rather than for calling for repeal of the Act, or reversal back to examining things other than deep geologic repositories, he described his five-point program, which he believed would get the site selection back on track. It called for a suspension, an immediate temporary halt to the selection process, and suggests how the process can be restructured in a way that will result in the safest site being chosen. That included an independent technical role for other groups, combining the first and second repository candidate sites. It also suggested choosing realistic deadlines. Upon completion of this restructuring process the Governor suggested restarting the site selection process. He also thought the question of a second repository should be answered by an independent study, rather than one that seems to be controlled by politics before technical merits. Finally, the Governor emphasized his view that an MRS facility should be authorized immediately to provide a relief valve to allow a methodical, technically correct process.

Mr. Eschels thought overall the reception to the Governor's suggestions was positive. Representatives Swift and Morrison of Washington have agreed to put this five-point program into legislation for introduction in the House of Representatives.

Mr. Eschels said the statement by Senator Evans, a member of the Senate Subcommittee, was positive, and his position was good for the state of Washington, and the nation generally. He, along with most of the members of the Subcommittee, challenged the Department about its decision to drop the second repository process, and Mr. Eschels quoted from the end of Senator Evans' statement: "...the DOE has brutally mangled the Act it is obliged to follow. Unless

the Department can quickly re-develop confidence in its management of the program, and accurately follow the law, then new leaders ought to be chosen."

Mr. Eschels said in his view the process is in jeopardy and is teetering on the brink of collapse, and the nation needs to examine how the process is not being followed. If it wants a repository, he said, the nation must take some drastic steps.

Mr. Bishop asked what steps are being taken in regard to the modification of the Nuclear Waste Policy Act. Mr. Eschels said part of the Governor's five-point program does include that, and although the Governor is mindful of the difficulties, he thought the process is so fouled up it is worth re-opening the Act. This will be the thrust of the proposed legislation by Representative Swift and Morrison. There are also other legislative means than can be brought to bear.

Mr. Bishop inquired if at any time during that hearing did the Department admit they probably did not have the legal authority to suspend the second-round consideration. Mr. Eschels said the panel from the Department included the Secretary of Energy, Ben Rusche, and one of the Counsels for the USDOE. Under close questioning, not only from the Chairman, but Senator Evans, Counsel did acknowledge that he could find no specific spot that would authorize them to do what they had done. This should assist the Board in its suit, he said, and is another piece of evidence that this process needs to get back on track.

Resolution 86-3

Mr. Eschels described the Resolution he had prepared for the Board's consideration. The Resolution in essence includes the Governor's program and puts the Board on record as supporting that. It supports the efforts of Representatives Swift and Morrison, and directs that the Resolution be sent not only to the President of the United States and the Secretary of Energy, but to the Washington State Congressional delegation. Mr. Eschels moved adoption of the Resolution. The motion was seconded.

Discussion of the Resolution followed, and several changes were made in the wording. Also agreed was to send copies to the particular Congressional Committees with jurisdiction. The motion was called and it carried unanimously.

Litigation Status

Federal Government Decisions of May 28, 1986: Charlie Roe said the Board at its special meeting on May 30 concurred with the filing of litigation dealing with various actions taken by the Federal officials on May 28. The litigation would consist of a comprehensive lawsuit dealing with nominations, recommendations, Environmental Assessment, Presidential approval, Preliminary Determination of Suitability, and Second-Round Repository. A separate

case dealt only with Preliminary Determination of Suitability and another case dealt with the Second-Round Repository. A final area discussed was litigation funding. Mr. Roe said the first three cases were filed on June in the Ninth Circuit Court of Appeals in San Francisco. The case dealing with litigation funding has not been filed, pending a response to the grant for litigation funds submitted to the USDOE. Should the funds be denied, Mr. Roe said litigation would be filed on that issue, and catch up with the litigation pending in the Ninth Circuit, filed by the state of Nevada on May 28, 1986.

Mr. Roe said the only entity so far that has filed any litigation with regard to the Second-Round Repository issue has been the state of Washington. All of the other issues that were ruled on May 28 have been challenged by either Nevada or Texas. In terms of non-state litigation, the Sierra Club has filed a suit in the Ninth Circuit but challenged only the Environmental Assessment that related to the Davis Canyon Site in Utah and the Hanford Site in Washington.

The first procedural activity will be to prepare and file a motion for an order requesting relief in the form of temporary stay of all implementation of the Nuclear Waste Policy Act pending the outcome of the litigation.

Mr. Roe said permission had been received from the Federal District Court in Tacoma to file an Amicus brief in the case of The Northwest Inland Waters Coalition vs. the U.S. Department of Energy. This case concerns the foreign waste shipments. The issue deals with whether the USDOE has properly carried out the National Environmental Policy Act, among other Federal Acts. A brief will be filed on the sufficiency of USDOE's performance under the Nuclear Waste Policy Act. There are other issues, Mr. Roe said, that the state will not deal with, including Price-Anderson and Nuclear Proliferation Treaties.

Mr. Watson said at the special meeting on May 30, Representative Nelson asked a question regarding the litigation on the MRS and whether or not there was a reason or opportunity for Washington to get involved in that. Mr. Roe said the only thing he had done was to have a long discussion with the Attorney for the state of Tennessee with regard to the status of their lawsuit. The problem of filing an Amicus brief is that the Amicus brief filing time has already passed. The argument is set for July 24th.

Representative Hankins asked if Texas or Nevada had been contacted to participate in the site selection lawsuit and the comments made by USDOE as to the Second Repository issue. Mr. Roe said next Wednesday he would be meeting with the Attorney General's attorneys for the state of Texas. He said he had already met with the attorneys for Nevada, and the best he could say was they were considering it, and he would know how Texas thought after his discussions. Under the statute there are 180 days for these states to file.

Siting Guidelines Litigation: Mr. Roe reported the Siting Guidelines litigation is moving as the Court has called for a status conference of all attorneys for all parties on July 2. This will deal primarily with what the record is that will be utilized by the Court in deciding the case and will set a time schedule for preparing briefs on the merits. The state, he said, has already briefed the jurisdictional issues raised by the United States and the Court has decided not to rule on that issue separately. It will be merged with the argument on the merits. There will be approximately twenty parties to that proceeding, which is now set at a telephonic conference, but this could change to a meeting room.

The state of Maine had filed second-round state litigation against the USDOE on February 14, 1986, relating to the procedure being followed by USDOE in the selection of "potentially acceptable sites" for NWPAs "second-round" repository siting program. On May 1, 1986, the U.S. Court of Appeals in Boston granted the United States' motion to dismiss the Maine case on jurisdictional grounds.

Advisory Council Recommendation

Mr. Bishop said since the Advisory Council passed their recommendation to the Board concerning averting a division between the first- and second-round states and Tribes, proposed by Russell Jim, the events of May 28 have made this a moot recommendation. Nancy Hovis, Advisory Council member said, speaking for herself, she agreed this was now a moot point with the suspension of the second-round repository siting process. She said the Resolution passed by the Board today fairly well addresses the second-round question.

Mr. Bishop invited Betty Shreve, member of the Advisory Council, to speak to the motion passed by the Advisory Council this morning. The motion read:

"The Nuclear Waste Advisory Council of the state of Washington, because of its responsibility for public information and involvement, is concerned that the U.S. Department of Energy has failed to accept invitations by organizers of public forums on nuclear waste issues when the USDOE subjectively judges these meetings to be 'adversarial'. The Council feels strongly that as a tax-supported, public entity, it is the USDOE's responsibility and duty to participate in these public meetings, to be accountable to the citizens it should be serving, and to use these meetings as opportunities to inform the public about the Department's policies and programs."

Ms. Shreve said last night she participated in a Forum presented by the League of Women Voters. It seemed to be an unbalanced forum, and the League was very apologetic because they had expended effort to get the USDOE to send representation. When that invitation was refused, they tried Battelle people and were refused, and the Rockwell people also refused. Seconding that experience Sam Reed, also a member of the Council, said that in his attempt last year to

have USDDE representation at the Washington State Environmental Health Association's annual meeting, he was told by representative of USDDE that they would not appear on the same panel as "adversarial" persons, nor even on the same day.

Ms. Shreve said these two events prompted the motion. The Council requested that it be sent to all of those in authority in the USDDE, regionally and nationally, as it is the Council's attempt to make a statement. Bill Sebero, another member of the Council, recommended that the Board concur with the motion and go on record also.

Dr. Filby stated that last night there was a public meeting in Lewiston, Idaho, at which Norm Buske discussed his report on the groundwater flow to the Columbia River. There was a USDDE representative on the panel, which was clearly an adversarial relationship. Ms. Shreve said she did not intend that this was true of every meeting. There were 140 people in attendance at the Ellensburg meeting and they were resentful of the lack of USDDE representation.

Representative Hankins inquired if the invitation to USDDE was sent in a timely fashion, and if they had contacted the Public Relations Department of USDDE in this regard. Ms. Shreve said she could get specific names from the women in charge, if necessary. However a person this morning from USDDE did comment to the Council that he was unaware of this and would look into it. Representative Hankins asked how USDDE knew it was adversarial. Ms. Shreve said it was a forum that the City Council of Ellensburg had requested for information for the populace of the city and surrounding area because a group there had requested a resolution from the City Council to make Ellensburg a nuclear-free zone and to request that the N-Reactor be shut down. The City Council stated they would not act on that until they had more information, with the people of the area having the same information. They then requested the League to establish a forum. The League, in turn, tried very hard to have a balanced panel. They had an excellent moderator and it was a well-conducted meeting, Ms. Shreve said, and in her opinion it was USDDE's loss, as well as the citizens.

Mr. Bishop asked Jim Mecca of USDDE, Richland, to comment, although he had commented at the morning meeting. Mr. Mecca said he had nothing to add at this time.

Dick Watson moved that the Board support the Council in this action. The motion was seconded and was passed. Mr. Bishop said appropriate letters would be prepared and sent to the respective levels of attention called for in the motion.

Mr. Eschels complimented the Council and the League of Women Voters for setting up opportunities such as the Ellensburg Forum. He hoped the letters sent as a result of the motion would have a positive effect on the USDDE.

Mr. Bishop added his appreciation for the assistance the League had given in each of the areas where the Defense Waste DEIS public meetings have been held.

Representative Hankins announced that the League of Women Voters of Benton-Franklin Counties has issued a booklet entitled "Radiation, Radioactive, Irradiated - a Glossary for the Lay Reader". It is available for \$2.00 each upon request. Mr. Bishop suggested copies be obtained for the members of the Board and Council, and Representative Hankins said she would ask the League to contact the Office.

Committee Reports

Defense Waste Committee. Mr. Bishop asked Mr. Husseman to give the Defense Waste Committee report in the absence of Andrea Beatty Riniker, Chair..

Mr. Husseman referred to the second Defense Waste DEIS comment document, combining the drafts of the June 13 meeting with additional comments made by the Board. This is the document being taken around the state and distributed at the public meetings.

Tuesday of this week the first meeting was held in Yakima, with more than 300 people in attendance. The League of Women Voters did a superb job of publicizing the meeting, and the contractor, Susan Hall and her associates, were very helpful. Although many of the comments did not relate to the DEIS, good comments were received and will be incorporated in the state's final document.

The following night there was also a good turnout in Kennewick and many good comments were received from the Tri-Cities area with a different tone from Yakima. There was a lot of support for the work going on at Hanford, and many others who expressed concern.

Last night the third meeting was held in Spokane, and produced the smallest turnout of the three, with about 60 people attending. A lot of good comments were submitted, and many concentrated on the DEIS.

The next scheduled meetings will be held in Vancouver on Tuesday, and Seattle on Wednesday. All of the comments will be summarized and the citizen's comments will be incorporated into the final draft of the DEIS document. The next Board meeting will be the regular third Friday in July, and it is the intention to have a proposed final draft of the comments prepared for Board approval.

Dr. Brewer said now that the technical bases for Volume 1 has been established, a "dummy" of the final comments should be available from the contractor for the Board. Mr. Husseman said it may be necessary to have a special Board meeting before August 9, the due date for the comments. Adequate notice will be given if this is found to be necessary.

Mr. Husseman said on the 17th of July the DEIS materials to be presented to the Board on the 18th will be presented to the Advisory Council at their meeting Vancouver, to give them an opportunity for input to the Board on the 18th.

Representative Nelson observed that the report accurately describes the process that USDOE is suggesting, and that is that the first step is to develop a direction for further work. There will be a series of "Record of Decision" that will be made over a period of years, which will be based on research that is done. This will answer questions and buttress the opinion that will lead to proposals as to how the defense waste should be disposed of. He said he was concerned that there is in effect a site characterization process for a repository. The determination of how to characterize a set of alternative disposal procedures is suggested, which will be done through environmental work and other kinds of research. Comparing that with the commercial site characterization process leads to the conclusion that they are different. The basic difference is that in one case the state is involved through an Act of Congress, and in the other case, the military waste, the state is not. Comment can come from the state, he said, on the Records of Decision that follow, but the state is not an independent monitor of the process. Representative Nelson thought the state should be.

Representative Nelson continued that perhaps there is a guarantee in the Nuclear Waste Policy Act that the state should be a monitor because of the commingling decision. If so, he said the state should press on that. He wondered if the relationship with the USDOE should be firmed up on the characterization of the military waste site. He said he based that on a study of the WIPP agreement in New Mexico, which give the state of New Mexico considerable independent authority to monitor and verify the USDOE's activities in siting and operating that repository, with the funds to do it.

Representative Nelson felt the state should undertake a study of the WIPP agreement, and any other agreements that relate to federal military facilities, such as Oak Ridge in Tennessee and Savannah River in South Carolina, and others that might help to define that kind of relationship. He thought the benefits of doing that would be to put the state in a strong position to monitor what apparently is going to take several years to accomplish. He suggested the Board ask the Defense Waste Committee to look into this possibility and report back with their comment, and with suggestions for an approach to USDOE if they agree with this concept.

Mr. Bishop agreed this was an excellent proposal. He said he anticipated the the U.S. Department of Energy would come back to the state within sixty days, as required in the NWPA, to participate in a C & C Agreement. However, he thought the Defense Waste Committee could start the suggested deliberation, which might eventually become a part of the C & C Agreement.

Mr. Husseman remarked that the state had constantly maintained that as long as USDOE is looking at Hanford as a potential repository

site, the state's work in overseeing what they do with the defense waste is also related to the repository. Therefore, it would be fundable from the Nuclear Waste Fund. In fact, he said the contractors for the state now helping with the DEIS comments and the contract work on the workshops around the state are being funded from the Nuclear Waste Fund. To this point the USDOE has agreed with the state's position this work is repository related, and it is assumed they will continue to agree with that. It definitely could be a part of the C & C negotiations, he said.

Mr. Husseman mentioned that another issue related to the DEIS was a telephone call received today from Washington, D.C. concerning some actions in the Appropriations Committee related to the USDOE budget. He asked Don Provost to update the Board.

Mr. Provost said a House Appropriations Subcommittee had issued a report concerning budgets for the defense side. One of the parts of the report indicate the Committee is concerned about the continued disposal of contaminated wastes to the soils at Hanford and notes that the USDOE had asked for \$1.6 million for extension of two new seepage ponds. The Committee recognized the need to replace existing facilities which are reaching the end of their useful lives, yet they did not want the Department to continue these older practices. They are requiring the USDOE to produce a report within 120 days using technically-available options for cesium discharge to the soils at Hanford. The report should include costs and a proposed implementation schedule. The schedule should include the time they will meet certain federal statutes, including RCRA. The suggestion made this morning, that support by the Board and the Governor of this report and its inclusion in the appropriations bill itself, would be helpful. It was also suggested that the Board may want to recommend that the USDOE report be done in consultation with the state. From all indications, Mr. Provost said, it is an opportune time to have state input into this process.

Mr. Eschels considered these to be two very positive developments and a good cooperative effort should go forward among the appropriate state agencies. Mr. Provost said the Governor, or the Chair of the Board, might send a letter to the appropriate committee suggesting this involvement. Representative Nelson moved that this action be taken. The motion was seconded.

Mr. Lasmanis suggested that because of the time limits, a phone call be made with a letter to follow. Mr. Provost said Congressman Dicks' staff has been very involved in this report and helpful on this issue, and on Monday the messages could be teletyped to Washington, D.C. The motion was called and passed unanimously.

Mr. Provost said it was important for the Board to have a consensus on the priorities involved in the work to be done on the DEIS, to support funding for them. In the past the state has tried to get a better understanding of the budgets, and Battelle has now agreed to help the state prepare an understandable package of comparison of

budgets between Savannah River and Hanford, looking at projected budgets in the next few years and anticipated levels. This could be included in the state comments of the Defense Waste DEIS, he said. The Board agreed to include this element in the DEIS comments, with staff developing the information for approval by the Board.

Hanford Historical Documents Review. Dr. Filby reported there had been no meeting of the Committee since May 15th. The major issue, which has been resolved since that meeting, was the question of funding by USDOE. After discussions with Governor Gardner and Mike Lawrence of USDOE, Richland funding was granted in the sum of approximately \$40,000 of the \$99,538 which is earmarked for the Hanford Historical Documents Review Committee. Dr. Filby said in the confirmation letter from Jerri Adams, Chief of the Financial Assistance Branch of USDOE in Richland, contained the sentence: "The Department of Energy considers this project to be a stand-alone review with no need for additional follow-up funding."

Dr. Filby said the state and the Committee do not agree with this position, as this preliminary funding is only for Phase I of the review. Phase II work will be determined in part by the work of the documentation review done in Phase I.

Two proposals have been received from contractors to carry out Phase I of the project and they are in the process of being submitted to the Subcommittee, which will make recommendations to the full Committee. The Subcommittee is composed of Don Provost, Ray Paris and Russell Jim.

Dr. Filby referred to a copy of the letter requesting nominations to the Peer Review Committee which has been sent to most of the faculties of Science, Engineering, and Medicine at Northwest Universities. A modification of the letter has been sent to presidents and officers of some of the important scientific societies concerned with the area covered by the Historical Documents Review Committee.

In addition, an article was prepared for the publication "Radioactive Exchange", which describes briefly the activity and scope of the Committee and requests nominations. A similar request for nominations will appear in the "American Nuclear Society News".

Dr. Filby said the next meeting of the Committee is tentatively scheduled for July 17th, which may have to be modified, depending upon activities of the Board and Council.

Representative Nelson inquired if there were anyone present from the USDOE who would care to explain the USDOE position that this project is a "stand-alone review" with no need for additional follow-up or funding. Jim Mecca of USDOE, Richland, stated there should be an awareness of funding, which bears on all the funding. BWIP operates as a rather independent project within USDOE RL. Much of their allegiance belongs to Mr. Rusche in the commercial

program. Those funds that BWIP works under and with are controlled by rather severe guidelines, to some degree, of interpretation. Even the workshops which are currently under way, because there is some overlap, is a little bit of a stretch. He pointed out, relative to this funding for the study, that USDOE does have a service assessment pool at Hanford to which various USDOE programs have to contribute for environmental studies and other studies of that nature for the sake of the total Reservation. These are not BWIP-only funds, he said. Mike Lawrence decided this study had to be funded by Hanford, so any additional questions relative to how far one would go with that funding to carry on studies would have to be carried out either with Mike Lawrence himself or Ron Gerton. It is a Hanford problem and would have to be addressed whether there was a BWIP or not.

Representative Nelson said, in addition to the funding question, he wondered how the conclusion was reached that there would be no follow up. He said the first step would not be useful if the second step were not taken to calculate what the effects of the releases were. Mr. Mecca said he was unable to answer that and suggested this question be posed to Ron Gerton. He said he would certainly carry the message back. Mr. Bishop said this issue would be vigorously pursued by the state.

Nancy Kirner emphasized this is also a continuing concern for the Environmental Monitoring Committee and its CDC Study. The study should point the way not to answers, but the way to more studies, and she hoped USDOE would be a contributor.

Mr. Provost reported he had received a copy of the "Radioactive Waste Exchange" containing the article mentioned by Dr. Filby. A copy of the article will be made and sent to each member of the Board.

Environmental Monitoring Committee. Nancy Kirner reported that most of the regular meeting held on June 13 was spent discussing the Advisory Council's health concern inventory, which the Board had requested the Council to undertake. The method to be used may be a survey form of some sort, with distribution to the public as a sincere attempt by the state to have the concerns from the public brought to its attention. It would not be in any way epidemiological, she said, and every attempt in gathering health concern information runs into the question of epidemiological investigation. The goal would be to obtain the knowledge to establish better monitoring programs for the future.

Discussion was held also on the desirability of having a tumor registry. Ms. Kirner said it is anticipated the CDC Study will come out with some pronouncement about tumor registry or gathering of epidemiological information. The Department of Social and Health Services has been directed to gather information about existing tumor registries and the comparative benefit to the various means of collecting health effects information.

A letter to Dr. Houk of the Centers for Disease Control is being proposed, advising that it is anticipated, now that Hanford is nominated for site characterization, more assistance will be needed from them. Another letter is proposed to be sent to Mike Lawrence requesting additional data to augment the 19,000 pages received.

Also discussed was next year's BWIP contract for environmental monitoring. One of the more controversial issues is state involvement in aerial monitoring. The USDOE has a sole contract with EG&G, Las Vegas to pick up hot spots and anomalies in the radiation environment. The Committee believes that the state should be an integral partner, if not the focal contracting agency, to do this aerial monitoring. Because of the contractual relationship between the airplane operation and the USDOE, the state cannot be the contractor in that area, and the request will be modified to the USDOE through the Board in order to be a focal decision-making entity with regard to the aerial monitoring. Coordination on monitoring will also be done with the affected Tribes and the state of Oregon.

Chernobyl Report. Nancy Kirner said the monitoring baseline was perturbed by the Chernobyl incident and monitoring was increased in response to the incident. Ms. Kirner introduced John Erickson from the Environmental Monitoring Section at DSHS to review findings on the Chernobyl incident.

Mr. Erickson said the Board members would soon be receiving a document outlining the entire Chernobyl incident. The accident occurred on April 26 and the first news came to the Office of Radiation Protection on April 28. Although Washington State is 12,000 miles from the accident site, they started to gear up by going to daily air sampling as part of an EPA program they do routinely to measure gross beta. He presented a series of charts highlighting some of the data collected.

The first indicated the Gross Beta Field Measurement in Air at both the Spokane and Olympia stations. There were about three peaks, the first in the May 10th area, the next on the 18th, and the final one came through about June 2nd. In response to a question, he said it was not believed this was the same cloud. All samples, he said, are later sent to the EPA for a full analysis.

The second showed the concentration of iodine-131 in rainwater in Eastern and Western Washington. These tests were conducted on a daily basis or "as available" basis beginning May 2. The figures shown, he said, are rough estimates to give an idea of what is in the rain, and many of the samples were collected for the office by private individuals. The highest numbers occurred about the 12th or 13th of May, with Spokane and Fort Townsend showing the highest count. They subsequently started sampling drinking water from all over the state, he said, and no measurable iodine was seen in the surface drinking water systems.

The following sheet showed the concentration of iodine-131 in vegetation. Sampling started about the 7th of May and the highest

value appeared to be from a pasture sample in Eastern Washington. It was considered this was caused more by the dust storms that were occurring, rather than the rain.

The next sheet indicated the iodine in milk. A daily collection was started on May 7. The highest content reported in the state was roughly 560 picocuries, which was much higher than most expected. The first peak that came through the state had a measurable amount that showed up in the milk. Following that, it decayed.

The next sheet indicated where the samples were collected for drinking water, spread all over the state, although it was difficult to find surface water supplies in Eastern Washington. Most of the water over there, he said, is groundwater, with the exception of the Richland area, where no samples were taken as they monitor regularly anyway. Some private cistern water samples were received.

The following page showed where the rain samples were collected, and where air sampling was conducted. The last sheet showed the number of samples received, over 300, through May 30.

Mr. Erickson said they had gone to a long-term sampling monitoring plan now with weekly and monthly samples being taken, and this would be continued until the fall, when the program will be re-evaluated.

(Copies of Mr. Erickson's charts are available upon request from the Office of Nuclear Waste Management.)

Ray Lasmanis asked how this additional work was funded. Mr. Erickson said it is funded by DSHS Public Health. Mr. Lasmanis suggested the costs be documented and forwarded to a central clearing house in Washington, D.C., along with all the other states, and have the bill sent to the Soviet Union.

Dr. Brewer asked if it were fair to say that if there had been no news reports of Chernobyl, nothing DSHS operates would have picked up these increased levels. Mr. Erickson said that was correct. Dr. Brewer inquired if there were any other national system, or a state or laboratory, that would have picked them up without the news reports. Mr. Erickson said they did have a monitoring program that might have picked it up in their routine sampling, but this is done on a quarterly or monthly basis. They would also have seen it in the melt pathway, and the Battelle monitoring program at Richland was right on top of it also. He said there was a great deal of communication between the state of Oregon, DSHS, Battelle and the NRC with the utilities.

Mr. Erickson said he had only listed iodine-131 as it was the major isotope, but many others were measured as well.

Dr. Filby complimented Mr. Erickson on an excellent presentation. He said he had attended a special International Atomic Energy Agency presentation on the Chernobyl incident at the Reno American Nuclear Society meeting this week, and they presented a lot fewer data than Mr. Erickson. He asked if this set of data would be provided to the IAEA, as they are trying to act as an international clearing house for fallout data. Mr. Erickson said they had not had a request to do that, but it would be a good idea.

Following further discussion Mr. Erickson remarked they had a report from Finland stating they had just received data that was three or four times higher than anything they had seen. He also said there was no hint that the reactor at Chernobyl was still releasing, although DSHS is still monitoring quite a bit. Dr. Filby added that the IAEA is monitoring in collaboration with the Russians now at sites around the reactor, and the statement was made last Tuesday by the Agency representative that there were no further emissions from the reactor itself at that time.

Mr. Eschels also complimented the DSHS representatives present, and all of their colleagues. He said it was true there were people working long, long hours trying to keep up with the situation as it unfolded. He said it was a good observation that this state had better information, even without all of it complete, than there was any place else in the country. He also gave credit to the Supply System which shared their sampling with the state, and FGE that shared the Trojan finding with the state. Mr. Bishop commented that sharing with the public was also appreciated and the whole exercise was outstanding.

Public Comment

Chris Platt of the Sierra Club said concerning a health effects' survey she thought it was important to get the public's input and to gather information for the health study the CDC is doing. Nancy Kirner said the purpose of the proposed meetings would be to listen to the health concerns of the public - to gather information rather than to disseminate it. She also thought it was important to have a state-wide tumor register, but perhaps that should be looked at from a regional basis, as well. Ms. Kirner said they were joined every month by representatives from Oregon, and Idaho has just expressed an interest in joining the CDC Study also, as well as the Hanford Historical Documents Review Committee. Ms. Platt asked if the study would be expanded to include birth defects and birth anomalies. Ms. Kirner says the tumor registry would be strictly for malignant diseases, but there is another proposal within the Department of Social and Health Services to put "patient-unique" identifiers onto information that is already being received from hospitals concerning all patient admissions and discharges. Then it would be possible to get neo-natal diseases and the birth defects on record and look at them from a total population wide basis to see if there were any regional differences in the incidence of disease or morbidity. These are all areas under consideration by the Department, she said.

Ms. Kirner said if it were found necessary, the Department could go to the Legislature with facts. Ms. Platt said if a study such as this did take place, she thought it was the responsibility of the Federal government to fund it. The state could contribute, but she would encourage pursuing funding on the Federal level without confusing the repository issue with that of 40 years of pollution by defense waste. She said the public is very confused about these three separate issues. She added that she hoped the health studies would look at past studies that were done, such as the Mancuso study from 1977 that was discredited and perhaps should be reconsidered as a good baseline. She said although it deals primarily with the workers at Hanford, there are families of those workers who could be identified.

Ms. Kirner said a letter is anticipated from the CDC that would request the data that Mancuso looked at, as well as the data that Ethel Gilbert looked at, to see if any differences could be resolved before the CDC Panel convenes.

Ms. Platt said she would also hope that the Board would request from the USDOE release of the names of those workers they say they have. Ms. Kirner said the Committee would be going on their consultant's recommendations as to what information he needs. She said there is a certain amount of personal confidentiality that has to be respected.

Ms. Platt added the Sierra Club is very concerned about the funding and believes the money should primarily come from the Federal government. She said that was explicit in the state legislation that passed in HB 33 and SB 3799.

Socioeconomic. Mr. Eschels referred to his Memorandum of June 13. The scope of the Committee's work included two major parts: payments from the Federal government to the state, and second examination of the impacts a repository would have on the state.

Under the payment part, there are two main programs: 1) Payments Equivalent to Taxes that are made to the state government and certain local governments. These are direct payments that are at the same level they would be if the state and those local governments were able to tax the Federal activity. 2) Payments sent to cover impacts because of the repository construction.

This last month the Committee focused principally on the release by the USDOE of the Guidelines for calculating those Payments Equivalent to Taxes.

Mr. Eschels said the Committee had been assisted in its work by the Construction Impact Group in the Tri-Cities area. They prepared a position paper for the Committee's use interpreting terms of the Act, etc. The Committee will adopt a position on this paper and set a schedule for workshops to be held with local governments in the future. A scope of work has been circulated to the Committee

for its review in connection with the proposed RFP to examine the social and economic impacts of the risk of having a repository at Hanford. This is a major undertaking by the Board, he said, and the report will take place over a period of about three years. The results of the impact study will be used not only to support the state's request for impact payments, but also for the Board's comments on the EIS' and to identify measures that can be taken to mitigate negative impacts.

Mr. Eschels introduced Don Taylor of the Department of Revenue and a member of the Committee, who is examining the PETT Guidelines, and asked him to give the Board a brief overview.

Mr. Taylor distributed a five-page Outline and Comments he prepared on the PETT Guidelines. (Copies available from the Nuclear Waste Management Office upon request.)

Mr. Taylor said that in a cursory review of the Guidelines he could only give an idea of what the state needs to do next to arrive at the bottom line. The basic language in the Act essentially says that payments to the state and eligible local jurisdictions will be based on site characterization, as well as construction and operation of the repository. He said he is assuming that all the Federal activity is to be treated as if it were a private enterprise, operating on private property. Tax revenue will come from a lot of activities done by the contractors, so the question is USDOE's exposure.

The Guidelines are encouraging in some respects, he said, as they state that DOE will be "responsive" to the existing tax structure in the state and they will work with state and local tax officials to determine what kind of eligible payments will be due. Payments will be based on a "constructive tax liability" so that "DOE is treated in a manner comparable with other private sector taxpayers".

The Appendix lists taxes for Washington to be considered and lists personal property, he said, although the Act speaks only about real property. During characterization a lot of the value will be tied up in equipment and will not yet be affixed to the real property. So this is a concern, he said. The Appendix also included B & O Taxes, both state and municipal, and these are the most gray areas of the whole PETT program, in his opinion. The question will be which classification these taxes will fall into, service or not. There is also the question of bases, he said, as there has to be a transactional value, a gross sales figure, or at least an imputed value of the product. This opens many questions which will have to be resolved as there are no hard and fast rules laid out in the Guidelines.

Other unresolved questions relate to the retail sales and use tax, which are listed. Most of the tangible person property would be owned or bailed to the contractors, but the Guidelines are overlooking the state's significant component in the labor and services

portion of retail construction. The contractors will pay the tax on materials going into the construction, but the state receives a large tax on the labor component and there was no mention of that in the Guidelines.

The taxes listed are a fairly good overview of the state's tax structure, he said, but the rates are woefully out of date and most are at least three years old.

Mr. Taylor said in the calculation process the Guidelines indicate a negotiation process, or at least substantial discussions between the state and the local jurisdictions and USDOE, as to what is applicable. There should be substantial opportunity for state input at that stage. USDOE will be looking to the state for the current rates to be applied, but establishing the tax base will present real problems. The Guidelines, as he read them, say the USDOE will determine the base, with very little opportunity for state input, or even opportunity to question what is taxable. Very close attention will have to be paid to this side, he said.

Mr. Taylor said it was clear the funds would not be treated as a regular grant, and it appears they are now "payments". There will be an application set up and USDOE will expect the state to submit an application, including the tax rates. He said it was even questionable if the state would have the right to audit the USDOE books, as the reference is very vague.

Concerning the use of the funds, Mr. Taylor said nothing in the Guidelines suggests that USDOE will require detailed reporting on the use of the funds. One encouraging note was a sentence that reads: payments "are neither related to impact mitigation grants, nor are they related to other grants or payments which may be made by DOE to affected jurisdictions."

The Guidelines are not clear as to when the payments start. One statement that says: "PETT will apply when the President approves sites for characterization", but the same section says that eligible jurisdictions may receive PETT from commencement of activities. DOE may argue that actual repository activities will not begin until filing of a site characterization plan. Other opinion would like to look at the payments retroactively to include all of the BWIP work during recent years. This issue will be followed closely by the state, Mr. Taylor said, although that may not be a realistic possibility.

Mr. Taylor said since the payments will be based on the Federal fiscal year, he considered there would be a yearly sum following application close to the end of the fiscal year. He said he saw no advance payment, although he hoped there was opportunity for negotiation.

In looking at payments to the cities and counties and possibly other local jurisdictions, there is no mention of "special purpose" districts. The statute only speaks of "units of general local gov-

ernment", including boroughs, city, county, parish, etc. The Guidelines do say: "Special purpose entities, such as school districts, sanitation districts, etc..."may" not meet the statutory requirement. Again, he said, there may be room to negotiate.

Another local issue is the definition of the site. People in the Tri-Cities area are very concerned that the whole Reservation boundaries be included. The Guidelines only define site as "an area within a geologic and hydrologic system...approved for site characterization...". There might also be a basis for negotiation on the site definition.

Mr. Taylor concluded it appeared to him USDOE is closing the door on the state's ability to determine the taxable base.

Mr. Bishop asked if the Guidelines were open to negotiation. Mr. Taylor considered them "marching orders" from Washington, D.C. to the project offices. There is mention that project people will have some discretion and latitude to work with the local taxing officials. He said the Guidelines are termed "draft", and Representative Nelson felt the state should comment. Mr. Eschels thought there were many shortcomings, both technical and philosophical. He said in reading the Act he believed that state and local tax officials have a responsibility to establish tax liability, determine taxable values, etc. over any taxable event. Concerning the time payments are due, Mr. Eschels thought there should be a uniform system for the whole country. He thought the spacing of the payment will be governed by the part of the Act that states "...DOE can be taxed as if it were a taxable person under state laws..."

He thought that was an accurate reflection of the position of the Committee and the Board, and would be his direction to those working on the issue.

Mr. Eschels said the Committee is working with the local governments, informing them of the law, providing guidance, suggestions, and advice, but it will be the local governments who apply for the payments equivalent to taxes. The state will respect their autonomy as local governments, he said.

Representative Nelson asked if, in the Committee's work on the aspect of the impact on the economy of the surrounding areas, has anyone considered an impact payment, or severance tax, which would attempt to measure the same thing. Mr. Eschels replied they were looking at economic damage, not only in terms of mitigating factors, but also impact payments. That will be a part of the RFP that goes out, he said. Representative Nelson thought a severance tax might eliminate all of the determinations of the impacts, considering the loss of a resource. A severance tax might be easier and more effective and certain than going to an impact tax. He also pointed out that a state changes its tax structure all the

time, and the reference to a "tax structure at the time" should be deleted. Mr. Eschels considered these both good suggestions, and said he would like to work with Representative Nelson on them.

Mr. Bishop thanked Don Taylor for his time and effort on this project.

Mr. Husseman referred to a Memorandum from Jeff Goltz, Assistant Attorney General, on the subject of the state's ability to receive payments on activities that predate the Presidential approval of Hanford as one of three sites for characterization. Mr. Husseman said in essence Mr. Goltz stated in his opinion it would be unfair if Washington were unable to get the benefits the Act intended to provide money to the states for site characterization activities that have already taken place, whereas in Texas, where there has been no activity, they would get the benefits of the Act because their site characterization is starting later. In his opinion Washington State would be entitled to collect payments for prior activities.

Transportation. Richard Watson reported the Transportation Committee did not meet during June, but staff has continued to work on the Scope of Work and RFP's for transportation studies under consideration. Some of the issues include transportation risk assessment and models, an evaluation of emergency response capability, and emergency response needs. Scopes of Work and RFP's will be reviewed by the Committee at their next meeting in July.

Mr. Watson said the Western Interstate Energy Board has a group that is working on route-specific analyses. That group met July 11-13. A WIEB Staff Report is being prepared comparing all highway routes and selecting the best routes. Consensus was not reached on the Staff Report, but did agree that the issue of how state liability might be involved through state involvement in route selection is a very important issue and one which they will study further. The Task Force will suggest funding be pursued for such a study from USDOE and sponsor a workshop for State Attorneys General on that issue.

Federal Legislation

Mr. Roe said on June 6, HR 4937 was introduced by Congressman Weaver of Oregon, with co-sponsors Congressmen Bonker, Dick, Foley, Lowry, Swift, and others. The bill would remove the Hanford Reservation from consideration as a high-level nuclear waste repository.

Concerning Price-Anderson, Mr. Roe reported movement is taking place in both the Senate and the House. Senate Bill 1225 (Simpson-McClure) has been reported out by the Senate Energy Committee is now under a concurrent jurisdiction arrangement until August 17. It is currently under the jurisdiction of the Senate Environment Committee, and next week there were tentative plans to hold a markup session. There is a division between Senator Stafford, Chair of

that Committee who has his own bill, and the Chair of the Subcommittee, Senator Simpson. Mr. Roe said he understood there has been no resolution of the differences between the two. The bill basically puts a lid on the use of nuclear waste funds under the Nuclear Waste Policy Act of \$2.2 billion. It is unclear as to what would happen after that, although there is a commitment to pay for damages incurred by the United States or one of its contractors in connection with the waste program. Mr. Roe said this bill is probably the least satisfactory in the view of the states.

In the House on May 21 HR-3653 (Udall) was reported. That bill continues to be improved as it is processed. The bill is a little ambiguous, Mr. Roe said, as to its intent in regard to the fundamental issues of strict liability and full compensation for all damages, but is moving in the right direction. The Board, he said, has gone on record in support of HR-4394 (Swift-Morrison) which addresses full compensation and strict liability.

Oregon Report

Mary Lou Blazek, Hanford Program Coordinator, Oregon Department of Energy announced that Ralph Patt, who had to leave earlier, has begun work with the Department under the Hanford contract as Hydrogeologist. He had previously worked as a research hydrogeologist for the Desert Research Institute at the University of Nevada and as a hydrogeologist for the USGS doing work on oil shale studies.

The state of Oregon will be filing suit regarding the repository selection process. The Oregon Attorney General's Office is researching what specific claims are to be litigated. In addition, the Legislative History of the Second Repository issue is under review. Because of limited funds, the AG's office will litigate only the claim or claims that have the most likelihood of success. A team of three Oregon attorneys will be working with the legal staff from Washington, Nevada, and Texas on this effort, she said. The suit should be filed within the next few weeks.

Concerning an update on the Oregon Congressional delegation, she said she did not know if the information she has was complete. If not, she offered to arrange a conference call with the Oregon Congressional delegation to provide the Board with required information. In contacting Congressman Wyden's staff in Washington, D.C. Ms. Blazek said she learned the Congressman has sent a letter to Secretary Herrington on May 30th, asking the Secretary to reconsider the decision to nominate Hanford. Mr. Wyden indicated that several of the aspects of the decision were arbitrary and would likely be challenged in court. USD OE has not responded to that letter as of this date.

Hearings will be held in Washington, D.C. on the repository siting process, later this month. Congressman Markey does favor ending the second-repository process. However, he indicated the USD OE does not have the authority to make the second-repository decision and has been very forceful that the decision should be made by

Congress. Congressman Markey also sent a letter to Secretary Herrington questioning the placement of Hanford as one of the top three sites. He indicated that the selection was not supported by the criteria and USDOE had ignored their own guidelines.

Congressman Wyden's staff indicated to Ms. Blazek that there was some talk in Washington, D.C. about re-opening the Nuclear Waste Policy Act, although Congressman Wyden is not suggesting any action on this issue at this particular time.

Regarding the N-Reactor, Ms. Blazek said Congressmen Miller, Swift, and Wyden have sent a letter to Secretary Herrington urging that the USDOE Panel activities be open to the public. This is the panel of outside experts who are performing the N-Reactor safety review. They have not received a formal reply to this request, however the Panel does not intend to open the meeting to the public. Their consensus is they are not an advisory committee and are not required by law to have those meetings be open. This issue will be followed up by Congressman Wyden. The NAS Review Panel has yet to be named and Congressman Wyden is working with the NAS and will sponsor a Congressional briefing on the reactor safety review soon.

On Defense Waste issues Congressman Wyden is intending to testify if his schedule permits at the Portland Public Hearing on July 10. In addition, Congressmen Swift, Markey, Luken, and Wyden are working on a defense waste-related bill. It is to be a comprehensive USDOE environmental compliance bill and is intended to provide outside oversight, improved USDOE compliance, regulation of USDOE emissions, end soil dumping, identify and clean up past wastes, and get USDOE on record about its environmental shortcomings. The bill may expand EPA powers to regulate USDOE facilities and provide for an independent review of contractor performance, and will mandate a quality assurance program.

Should more information be needed, Ms. Blazek said she could provide for a local Congressional staffer to speak to the Board.

Ms. Blazek reported the Oregon Defense Waste DEIS workshops went very well, although they were disappointed in the public attendance. Good comments were received and the public seemed pleased with the format. The draft comment document on the DEIS will go to the Oregon Advisory Committee for their review, and back to the Review Committee for their review. When it is returned to the Oversight Committee, all comments will be coordinated into a final draft. Comments will not be ready for public hearing on July 10, but testimony will be provided. Oregon will be working with Washington staff to produce a consolidated effort, Ms. Blazek said. Oregon should have a position on the issue by late next week.

Ms. Blazek said the comments from DSHS were reviewed, and she thought they had done a comprehensive job, for which she commended the staff.

Mr. Bishop requested permission to copy the Oregon Draft Comments document for distribution to the Board and Council. Ms. Blazek said there was no objection if it were understood it is not complete, as some agencies have not yet submitted their comments.

Mr. Bishop announced that the Oregon Advisory Committee and the Washington State Advisory Council plan to hold a joint meeting in Vancouver, Washington, on July 17.

Mr. Eschels expressed his appreciation for the work done by Ms. Blazek and her group, as well as the work of the Governor of Oregon and the Oregon delegation in Congress.

Mr. Roe added his expression of appreciation for the cooperation of the Oregon Attorney General's Office and the Hanford Coordinator's Office with regard to litigation. He said he would be meeting with the attorneys from Oregon, as well as Idaho, next Wednesday to coordinate their activities.

Ms. Blazek commented that the joint effort being seen now, not only between the states of Oregon and Washington, but including Idaho's interest, is very reassuring to all Oregonians.

Richland USDOE

Jim Mecca of USDOE, Richland said he had no particular report, but did announce a letter would be sent at Mr. Hussemans's request postponing the Quarterly Meeting. It is being suggested that meeting be held perhaps July 23-24. Should that be too soon, he said, it could be scheduled later and he would appreciate suggested dates. Mr. Bishop assured Mr. Mecca that having a representative from Richland USDOE present at each meeting was very much appreciated, and Mr. Mecca replied it was equally important to them to be at the meetings.

Washington State Institute for Public Policy

Max Power of the Institute introduced Jane Pope, new member of the staff, as a graduate student in environmental studies and chemistry at Evergreen who has worked for the senate Committee on Parks and Ecology. She has assisted in the review of the Defense Waste DEIS.

Mr. Power announced that the contractors at Washington State University working on the issue of potential economic risk and determining methodologies to assess that should have an interim report within the next few days. He said Representative Nelson and Senator Benitz will meet with both groups in Pullman next week to receive a status report. He hoped a final report would be available by the end of July. There has been some delay in getting information from the USDOE to the contractors, he said.

Low-Level

Elaine Carlin of the Department of Ecology said Federal law requires states and regions around the country to develop new disposal sites for low-level radioactive waste within a seven year time period. The law has set up milestones which they must meet. The first milestone is July 1, 1986. Of the twenty states from which documentation has been received, it has been determined that two of the states are not in compliance at this time, North Dakota and Vermont. Thirteen states have not yet sent documentation, although it is believed most of them will be in compliance with the first milestone.

The second milestone is January 1, 1988, and by this date states and regions must develop a siting plan and must have identified a host state. There may be a potential major stumbling block in meeting that second milestone, as the EPA is in the process of developing siting guidelines which would apply to new disposal sites. These guidelines will apply to the new low-level sites which will handle mixed wastes, wastes which are both chemically hazardous and radioactive. They are therefore regulated by RCRA. EPA has stated the guidelines will not be ready until sometime in 1988.

Ms. Carlin said some immediate action may need to be taken to make sure these states can comply with the law and can, within seven years, develop sites and relieve Washington State of its current burden. A Resolution is being drafted for the Northwest Compact to consider, addressed to EPA and perhaps other parties, suggesting some sort of action. An issue paper is also being prepared, she said, and both will be presented to the Compact at its next meeting on July 23.

Joe Stohr of the Radiation Control Unit of the Department of Social and Health Services announced that as of May 19, the on-site inspection staff was reduced by one because the volumes of low-level waste are down 50%. The average is about three to five truckloads of waste coming in daily. He said the Department of Ecology and DSHS are working in a more aggressive manner to issue some guidelines on mixed waste, should U.S. Ecology be found to be still receiving those wastes. Ecology is looking at a contractor to consolidate the two sets of regulations, to provide the departments with a progress report on a weekly basis that would identify some of the policy areas that need to be addressed, and to draft the final guidance document.

In a related issue, he said, a cleanup effort of the low-level waste tanks at the U.S. Ecology site is under way. Over the next month the company hopes to obtain samples of those tanks and begin to stabilize those units in place.

Progress is still being made on the license renewal, Mr. Stohr said. The Standards Manual and License are essentially in final form and they expect next week to receive over eighty operational

procedures to be reviewed against the Manual, with the final license coming out the end of the summer. At the next meeting DSHS is hoping to present some of the major changes that the license renewal contains.

Public Involvement

Marta Wilder reminded the Board of the joint meeting of the Advisory Council with the Oregon Advisory Committee in Vancouver on July 17. The evening before will be devoted to informal discussions of the Council in Vancouver.

The Requests for Proposals have been sent for a public involvement contractor to assist in slide shows, videos, and publications.

At the suggestion of Senator Goltz the various political parties were contacted, suggesting a liaison with the Council be appointed to share information with their Central Committees and the Council. A good response has been received, she said.

Staff attended the Association of Washington Counties meeting at Ocean Shores in early June. A slide show was presented, and the display was well attended, with all of the Defense Waste papers being distributed. The staff will also attend the Association of Washington Cities meeting in Tacoma and will have the new display available there.

Public Comment

None.

There being no further business, the meeting was adjourned.

WASHINGTON STATE NUCLEAR WASTE BOARD

RESOLUTION 86-3

June 20, 1986

WHEREAS, on May 28, 1986, the U.S. Department of Energy (USDOE) announced that it had selected Hanford for site characterization;

WHEREAS, on May 28, 1986, USDOE also announced that it had postponed indefinitely site specific work for a second repository;

WHEREAS, the USDOE unilateral decision to indefinitely postpone the second-round site selection process was a political decision which showed disregard for the Nuclear Waste Policy Act;

WHEREAS, in selecting Hanford for characterization, USDOE ignored the results of the National Academy of Sciences ranking methodology which indicated the Hanford site is the most costly and least safe site of the five sites under consideration; and

WHEREAS, on June 16, Governor Gardner, in testimony before Congress, stated that it will be impossible to locate a repository anywhere if decisions are based on politics rather than science.

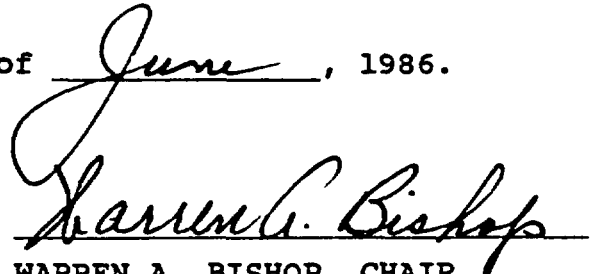
NOW, THEREFORE, BE IT RESOLVED that the Washington State Nuclear Waste Board supports the efforts of Governor Gardner, Congressman Morrison and Congressman Swift, and others to:

1. Bring the repository site selection process to an immediate halt;
2. Restructure the site selection process to ensure independent technical groups are included in the decision making process;
3. Combine the first and second round states and conduct a nationwide search for the safest repository;
4. Eliminate unrealistic deadlines;

5. Require an independent study of the need for a second repository as opposed to expanding a single repository; and
6. Authorize construction of an MRS facility and require its completion at an early date.

The Nuclear Waste Board directs the Chair to transmit this Resolution to the President of the United States, the Secretary of Energy, and the state of Washington Congressional delegation.

Approved at Olympia this 20th day of June, 1986.

A handwritten signature in cursive script, reading "Warren A. Bishop", written over a horizontal line.

WARREN A. BISHOP, CHAIR
WASHINGTON STATE
NUCLEAR WASTE BOARD