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HIGH-LEVEL NUCLEAR WASTE ADVISORY COUNCIL MEETING WM DOCKET CONTROL CENTER

January 20, 1984

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9:30 a.m.

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

TENTATIVE AGENDA

- 1. Introductory Comments Sue Gould
- 2. Review of Subcommittee Actions Sue Gould/Warren Bishop
- 3. Discussion of RFP/RFQ Process Provost/Wilder
- 4. USDOE Information Meeting/NRC Hearing Washington, D.C. Stevens
- 5. Legislative Report Stevens
  - a. Legislation
  - b. C & C
  - c. Other Items
- 5. New Program/Office and Staff Stevens
- 6. Discussion:
  - a. Public Information Plans Bishop/Wilder
  - b. Rockwell Workshop Provost/Brewer
  - c. Other Items
- 7. Public Comment
- 8. Adjournment

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HIGH-LEVEL NUCLEAR WASTE POLICY & REVIEW BOARD MEETING

January 20, 1984

1:30 p.m.

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

TENTATIVE AGENDA

1. Introductory Remarks Sue Gould
2. Review of USDOE: (Projects, Plans, etc.) Staff
  - a. Mission Plan
  - b. Program Schedule
  - c. Hydrology Workshop - DOE/NRC
  - d. Washington, D.C. Trip
3. NRC Hearing - USDOE Program Guidelines Stevens
4. Pacific Northwest Laboratories John Burnham, PNL
  - a. Review of BWIP Report
5. Advisory Council Report Sue Gould
6. Legislative Report Stevens
7. Administrative Matters Stevens
8. Other Business
9. Public Comment
10. Adjournment

Washington State High-Level Nuclear Waste  
Advisory Council Meeting  
December 8, 1983 - 1:30 p.m.  
EFSEC Hearings Room - Rowsix

Attendees:

Susan E. Gould, Chair  
Warren Bishop  
Gordon Kunx  
Dr. Estella B. Leopold  
Anita Monoian  
Jim Worthington

Sue Gould, Chair, opened the meeting. She noted that some council members could not attend because of the inclement weather in Eastern Washington. However, those members who had left the day before were able to cross the mountains. She announced the council and board meetings would return to the old format of meeting on the third Friday in each month in 1984. The council meetings will be scheduled at 9:30 a.m., and the Policy and Review Board will meet at 1:30 p.m. The next meeting will be held on January 20, 1984. Subsequent meetings will be held on February 17, March 16, April 20, May 18, and June 15, 1984.

The Draft Consultation and Cooperation Agreement was distributed to the members present. David Stevens gave a brief review, pointing out the areas that were not yet resolved with USDOE, especially the issue of federal liability. He said no more immediate negotiation meetings were planned, but the draft would be used for public review and comment and legislative review. He noted that the Policy and Review Board had agreed to have a work session on the draft at the next meeting of the board. Stevens reiterated it was in the best interest of the state to have an organized procedure to protect the state's position.

The Washington Public Interest Research Group (WashPIRG) distributed copies of a Geologic Critique on the High-Level Nuclear Waste Disposal at Hanford to each member of the council. They also distributed a copy of a news release claiming the Department of Ecology had violated the Public Disclosure law by turning down a request a month ago for drafts of the C&C agreement. Mr. Stevens responded by saying when the request was checked with the attorneys, they advised that at that stage the documents were exempt from public disclosure because they were only preliminary working papers.

Copies of the final results of the public survey, contracted for by the council through Communication Design, Inc., a public relations firm, were distributed to the members. Extensive discussion followed, raising several questions: Did the sequence of the questions influence the responses from the public?; Were they leading the witnesses?; Would one question invalidate the whole survey?; Should the council recommend redoing the survey by changing the order of the questions?

Warren Bishop, Chair of the subcommittee which helped to develop the questionnaire, responded that the committee spent many hours of intense work to fine-tune the questions. He pointed out further that the entire questionnaire had been taken to the council for final approval before releasing it.

After further lengthy discussion it was decided that the subcommittee would schedule a work session to review the results - with the consultant, if possible. Mr. Bishop indicated he would schedule a meeting in January.

It was further pointed out that the whole point of the survey was a learning process for the office - a preliminary test to point the way for a public information program. Consensus was that the survey had met its original objective, and it could be reviewed indefinitely. Therefore, discussion turned to future development of the public information program.

The question was raised as to whether the state should seek the assistance of a private organization to help the development of this program. Should they go that route, the council would still have to contribute some elements. Warren Bishop asked if the staff and council could develop the proper elements of an RFP (Request for Proposal), or could an expert do it better? Don Provost advised experience has proven a two-step process proved more satisfactory: 1. Sending out a "Request for Qualifications" which becomes an evaluation process. 2. Narrow the qualified candidates to three or four and send out an opportunity to submit a "Request for Proposal." The council recommended proceeding with the RFP to find a consultant.

The subcommittee was directed to meet in a work session to, perhaps, develop a fact sheet, or statement of goals and give a written recommendation to the full council on the future of the Public Information Program. The council would then make a recommendation to the Policy and Review Board.

The meeting adjourned at 3:00 p.m.

High-Level Nuclear Waste  
Policy and Review Board Meeting  
December 8, 1983  
9:00 a.m.

Hearings Room, Building #1 - Rowsix

Sue Gould, Board Chair, opened the meeting.

The Chair announced that future meetings of the Policy and Review Board would revert to the original schedule of the third Friday of each month. Future meetings are set for January 20, 1984, February 17, March 16, April 20, May 18, and June 15, 1984.

James Voss, Project Manager of Golder Associates, was introduced by Sue Gould. Mr. Voss provided a very comprehensive report on the USDOE Site Characterization and the WDOE response. A copy of the complete report was distributed to each member of the Policy and Review Board.

As Mr. Voss reviewed the history of the repository development from November 1982, when WDOE issued the Site Characterization Report for the BWIP, to April 1983, when the Governor's High-Level Management Task Force prepared and forwarded comments to USDOE. The state considered the data base inadequate and pointed out 169 critical technical comments. Mr. Voss related that, of these, USDOE agreed with 134.

As he reviewed the report the word "uncertain" seemed to dominate many areas, including: corrosion rates, transport, irregularities in basalt, and water flow.

Responding to questions by board members regarding anomalies Mr. Voss stated that anomalies occur in all scientific testing. How serious they are is never certain, he said, referring to microscopic voids between crystals in rock. However, he felt these were minor, but would be subject to complete testing of cores. He said two out of 12 bore holes had this anomaly.

Representative Nelson asked if it were possible to expand the horizon of the SCR to include other potential basalt repositories in the state -- other than Hanford. Voss replied other bore holes had been sited elsewhere, but Hanford was determined to be the best. Also, the Nuclear Waste Policy Act exempted the BWIP program from looking at alternative sites, and USDOE is going on the 9-5-3-1 site selection schedule in an organized way.

Representative Nelson also inquired if waste could be stored in the Rattlesnake Mountains instead of a lower site. Mr. Voss replied there was the question of the cost factor in doing it, cost in bringing data base to long-term, short-term performance, but it could be considered.

Further discussion of the unresolved critiques of WDOE and a method of monitoring followed. If the issues cannot be dealt with, it was felt that they should be added to the nonconcurrency list. Sue Gould questioned if there were ways to find more "certainty," and Mr. Voss replied: "Get more data."

The question remains: would it be better to store wastes in an MRS (Monitor Retrievable Storage) facility, rather than the deeper site, until a better way is found to dispose, or store, the waste.

Mr. Stuart Elway of Communication Design, Inc. was introduced. His firm conducted the citizens' telephone survey at the direction of the Advisory Council. He presented a final report on the results and his general summary was a concern and desire on the part of the public for more information. A copy of the final results was presented to each board member. Sue Gould remarked that the Advisory Council would now consider how to proceed on a public information program.

Donald Provost reported on the latest Siting Guidelines from USDOE of November 18, 1983. A copy was presented to each member of the board. Representative Nelson asked if the NRC would have the power to revise the guidelines. Provost replied they have to concur on regulations and that they are not concerned on a technical side, but must be consistent with NRC's own regulations and licensing requirements. Nick Lewis remarked the Commission would most likely hold a single one-day meeting to receive comments, although it could be more than one day.

Senator Hurley inquired if the Indian Nations were dealing only with the federal government. Sue Gould advised that one of the members of the Advisory Council was, by state law, a member of the Indian Nation. Russell Jim of the Yakima Indian Nation is the current representative.

David Stevens explained they have tried to encourage the Indian Nations and the state to work together, although the Indian Nations do not want to be bound by the state's decision. The Nuclear Waste Management Office has been coordinating with the Yakima Indian tribe.

Sue Gould asked if there would be any interest in a repeat of the BWIP/USDOE "Logic Presentation," presented to the office staff and members of the C/C Negotiation Team by USDOE and Rockwell. She suggested a half-day presentation in lieu of a board meeting, or a special one-day presentation at a specified time. Interest was expressed, and it was suggested the Saturday before the upcoming session of the Legislature (January 7, 1984) might be an appropriate date, if enough interest was expressed by legislators. Discussion followed and it was felt the Legislature needs to understand the process - rather than the details of the program. It was assumed the Legislature would be advised through the Joint Science and Technology Committee, and Senator Benitz remarked discussions would come in the respective caucuses, but any information would be helpful. A time and date will be announced later, if it is decided to hold this special presentation.

David Stevens discussed the draft Consultation and Cooperation Agreement in some detail. He explained the purpose of the agreement was to protect the State of Washington, by setting forth in specific binding language the responsibilities of the state and the federal government for studying Hanford as a possible disposal site for high-level radioactive waste. He named the members of the C&C team from USDOE and from the state, and enumerated the number of meetings held beginning in July 1983. He mentioned the documents studied by the team, including the State Planning

Council Draft Agreement, a draft Wisconsin State agreement, material from John Gervers consultant, the State of New Mexico Agreement with USDOE relative to the WIPP site, a "strawman" draft by USDOE, and others.

Mr. Stevens explained that congressional legislation calls for a binding written agreement and mentioned that we are the only state which currently has asked for developing a C&C document. Also, the Yakima Indian Nation has requested (negotiation for) an agreement.

The draft agreement, as it was presented, contained points of agreement, as well as some major points of disagreement, chief of which were the questions of federal liability, and defense wastes. These points and some other points are yet to be resolved. The main area of disagreement, he said, was that of federal liability in case of a nuclear accident at the disposal site, or during transportation of material to or from the site. Each member of the board was provided with a copy of the draft agreement.

Discussion followed, and Senator Al Williams expressed concern about signing any agreement. He objected to entering a formal agreement as being precedent setting. He expressed concern about the process -- timing, scheduling, etc. and wondered how a draft document would be put out for public comment. He felt it premature to have a draft document out before the issues were resolved.

Stevens explained this was a tentative agreement on most issues, and there was the ability to reopen discussion on any issue. The agreement would set some rules, procedures, etc., but in no way represents an acquiescence on the part of the state to create a repository.

Sue Gould stated the law required the federal government to enter into a C&C agreement with the state governments and Indian tribes, and any potential court case some time in the future would give the state a procedural basis upon which to build its case.

Senator Williams continued his objection to the six-month period of negotiation, and Sue Gould replied there was no deadline for a signed agreement and that six months was simply a working schedule.

Nick Lewis suggested the C&C team would meet in March and schedule whatever meetings would be needed. He pointed out the federal government started activities at Hanford in 1976, and they are on track. He said if there is no agreement, the state runs the risk of their continuing without state involvement.

Senator Hurley also objected to binding the state in a unilateral agreement. Mr. Lewis suggested the board have a work session on the C&C agreement, and felt the board could and should assist with the process. The C&C draft agreement will appear on the January agenda for discussion.

David Squires of the U.S. Department of Energy office in Richland was introduced. He presented the USDOE report on new deadlines and future schedules for repository designation. He presented a chart to all members which showed the NWPA schedule compared to the National Program Schedule and the BWIP Schedule. (copy attached.)

Noting a number of events on the last two schedules indicated to date to be determined, David Stevens inquired when they would be determined. Squires replied some had been, others were a little distance away.

David Stevens announced the grant for the next nine months had been approved by USDOE for the Office of High-Level Nuclear Waste Management. He also announced the office would physically move on December 9, 1983 to 5826 Pacific Avenue, Lacey. The mailing address would remain the same. (Telephones had not been installed at the time of the meeting, but the new number has been established as: (206) 459-6670.)

With the announcement that the next meeting would be held at 1:30 p.m. on Friday, January 20, 1984, in the EFSEC Hearings Room, Rowsix, the meeting was adjourned.



REMARKS OF

SUSAN E. GOULD, CHAIR  
State Policy and Review Board  
and  
Citizens' Advisory Council  
State of Washington

To The  
Civilian Radioactive Waste Management  
Information Meeting

Washington, D. C.

December 16, 1983

Mr. Secretary, Distinguished Speakers and Participants, and Ladies and Gentlemen: I am most pleased to be here this morning to join with you to exchange information on a most significant subject, and one that particularly affects the state of Washington.

Our state, in some respects, is continuing its role as a western pioneering state. Well over a century ago, there was a westward movement of people to the Northwest area to locate in different geography, to find a permanent home for those making the trek and for those following.

The state currently has been hosting some different pioneers in the last several years, pioneers not with buckskin jackets, rifles and wagons, but engineers, scientists, federal government representatives and others equipped with field glasses, drill rigs, piezometers, computers, and lab equipment. This latter pioneering effort dedicated to exploring a frontier that we have very little knowledge of -- the need to determine the suitability of basaltic rock layers some 3,000 feet or more below the surface to house half of this country's existing and yet to be produced high-level radioactive wastes. This effort truly represents a modern pioneering effort in order to meet a vitally important national objective of finding a permanent and safe home for these wastes for this generation, and for many generations to come.

For over thirty years this nation and others throughout the world have been considering ways to solve an ever increasing problem of storage for nuclear waste materials. Unfortunately, these efforts have not resulted in the required solutions. The current intensified effort we are now engaged in is being shaped by the passage, early this year, of the National Nuclear Waste Policy Act of 1982. Since the present repository investigation program at the Hanford site predates the new federal act by several years, there is a considerable amount of retooling necessary to make the the Hanford program compatible with Congressional intent and requirements. Other states are facing similar exploration and analysis in other types of geologic media. It is a difficult, perplexing, and time-consuming process. The location selection of this nation's first repository must be done carefully. The public of our nation and the various states must have confidence that an appropriate site will be selected and developed without adverse impacts to the public health and safety until these wastes are no longer a threat to human life and our environment. That is no small task. And that is why it was most important that Congress establish a clear policy and framework to base the work of the lead federal agency and those others that have a role to play in carrying out national objectives and direction.

While the work done to date on the repository programs has developed considerable data and relevant information, it is not nearly enough to answer the questions that have arisen regarding the sites in

Washington state and in other states with potential sites. The work of the waste repository program so far has not reduced the uncertainties that must be dealt with. Consequently, it is of utmost importance that the program be reconstituted under the new federal legislation in the most careful manner possible.

Unfortunately, in spite of the best intentions of the USDOE in recent months, program activities have not yet met either the expectations or the needs of our state or of other states. Our experiences during the past year, in dealing with USDOE have noticeably improved, but an important opportunity to initiate the Congressional-directed program has fallen short of the mark, creating major program schedule problems. The essential process of developing program guidelines, while difficult, has been made more difficult by the manner in which the process has been carried out. As an example, the required consultation with affected Governors of states in which repository inquiries are taking place was not initiated until after the first draft was written. That first draft was of few days and full of flaws, to paraphrase a biblical phrase. That unfortunate tentative start on the beginning point of the project requiring nearly a quarter of a century to complete has resulted in marking time, while the apparent flaws and objections to the first guideline effort were remedied. The Department of Energy received over 2,000 comments and the analysis and cogitation about these reactions have resulted in the process falling considerably back of the Congressional schedule and, indeed, considerably behind what might have

been achievable if the affected states had been consulted at the outset. There is a distinct possibility that we could have secured more of a consensus and earlier. I would like to emphasize, at this point, that as far as I can determine, states were not interested in torpedoing the program through their belated participation, but to improve it. I think that is borne out by the quality and seriousness of the comments USDOE received. Certainly earlier consultation would have provided the opportunity to lessen the number of comments that were received. States are not so interested in drafts to be defended, or that so many meetings were held, but rather by the timely opportunity for an open exchange of views and the possibility of integrating these views in order that the program can be carried out in a quality fashion.

Certainly, we need to avoid a repetition of the delays that have been evident in getting the basic framework of the programs established through guidelines that will enable the department to move ahead while carrying out the mandate of Congress in continuous state and effected Indian Tribes participation and interaction in all phases of the federal effort.

The intelligence, good faith efforts, and desire of federal officials ought to be able to lessen the unnecessary and often delaying actions, which accompany a late entry in a process that can be strengthened by early joint discussions and exchanges of views.

Important opportunities still are ahead of us. The forthcoming issuance of the Department of Energy's Mission Plan will be an extraordinarily important document. I would hope that there will not be a slapdash, pell-mell review process announced that will neither aid analysis nor meet an inappropriate time schedule and would in fact cause increased anxiety in the various state capitols. The primary message I would like to convey is that adequate, up-front time for interactions with states will not impede, but will improve the likelihood of the federal government meeting its program responsibilities.

The Mission Plan will aid the understanding of the public in setting some priorities among the many and diverse waste programs that appear in the federal legislation. This collection of waste management options and alternatives needs very careful deliniation and I anticipate that state officials, legislators and others will have many concerns and much interest in that and succeeding documents. Obviously, the preparation and concluding of the Environmental Assessment also is of great significance to states as it will provide the basis of further selections for repository assessment, and recommendation.

One particular area Washington State feels particularly important is the Consultation and Cooperation Agreement called for in the federal legislation. Last July, we initiated a negotiation process with representatives of the state and with USDOE to forge a document

which would establish clear ground rules for the relationship between the federal government, as represented by USDOE and the state of Washington on how the repository examination program is to be carried out in our state. We think that it is quite necessary for this kind of document to provide for an orderly and assured way for the state to interact with USDOE both now and in the future. There are other reasons why we feel that developing a satisfactory Consultation and Cooperation Agreement is very much in the state's interest. It provides a legal framework for the relationship between the state and USDOE. It clearly identifies the ability of the state of Washington to carry out independent monitoring and review of federal activities. It places a clear commitment on USDOE for providing, in a timely manner, information data, analyses, etc. to assist in the state's review efforts. It provides a means of identifying and dealing with disputes as they may arise. Although we still have some outstanding issues after nearly six months of work, we are basically pleased with the negotiations thus far. The federal negotiating team has been dedicated, candid and receptive of state concerns and needs. We are looking forward to continuing our efforts to complete an acceptable document.

While we think that such an agreement is important for our state at this time, the state is concerned that such an agreement not imply acquiescence with the federal efforts, nor some kind of an advance approval of the Hanford site. It does not mean that the state is embarking on a joint venture with the federal government on this

project. The burden of proof as to the suitability of a potential site in Washington remains exclusively with USDOE, not the state.

Another reason we feel it necessary to develop a written binding agreement is that the number of states now targeted for federal attention will diminish over time as the first repository states are reduced to three and the candidate states for the second repository are reduced to six. That is far less than the 23 that have been identified for possible repository locations. As smaller, less populated states emerge as favorites in this reverse popularity contest, current allies may tend to disappear as states escape the list and breathe a sigh of great relief. Currently these 23 states have a common bond and interest in strong protection as the repository process unfolds. Some of us may find ourselves out there all alone in the future and will greatly need the protection these agreements can provide.

An occasional letter to USDOE will not suffice as a satisfactory relationship. We would prefer to have a clearly identified process which will better enable state representatives and the general public to understand federal activities and events. Our state has pledged itself to broaden citizen understanding and awareness of this national program.

In Washington state I chair two statutory groups, a Nuclear Waste Policy and Review Board composed of several state department heads



and eight legislators, as well as a Citizens Advisory Council. The Policy and Review board encompasses a unique combination of state department Directors and Legislators to assure policy oversight to the states involvement in this program. The Citizen Advisory Council has been charged with increasing the knowledge of our citizens about the implications of a repository program. We have recently concluded a survey of citizen attitudes toward nuclear waste management in our state. We will be working in the next several months on a public participation and involvement program that will assist in a comprehensive review of repository development activities. It is our firm conclusion that our citizens must be well informed as this project takes shape. An inadequate opportunity for public input will not foster necessary public awareness. We are pleased that the USDOE has recognized this need and will be assisting the state in the development of its public information program, as well as supporting a comprehensive public document center.

We recognize that we are but one of fifty states and several territories and that the high level nuclear waste repository program is a national problem to which we have an obligation to contribute. However, no single state can be required to take an exceptionally unfair share of this burden of solving a national problem. All must contribute and share in some way. This program, complex as it is, is not simply a technical effort to be decided by the scientific community. It represents significant policy, public and political

elements. No solution to the essential storage of this waste over the future can be imposed simply because it satisfies technical concerns if it does not also satisfy public concerns. At the same time no solution should be discarded simply because it does not excite the technical community with prospects of new research and much expensive study. The objective must be to solve this problem in a safe, secure, publicly acceptable manner as quickly and with as little cost as possible.

The states are prepared to cooperate and assist where they can, but they cannot do so without serious, continuous and early consultations. We stand ready to meet this challenge.

Thank You.

# REPOSITORY SCHEDULE

<u>EVENT</u>	<u>NWPA SCHEDULE</u>	<u>NATIONAL PROGRAM SCHEDULE</u>	<u>BWIP SCHEDULE</u>
NWPA ENACTED	1/83	--	--
SITING GUIDELINES ISSUED	7/83	12/83	--
DRAFT ENVIRONMENTAL ASSESSMENTS ISSUED (HEARINGS TO FOLLOW)	--	4/84	
ENVIRONMENTAL ASSESSMENTS ISSUED	--	7-9/84	7-9/84
NOMINATE SITES FOR CHARATERIZATION	--	7-9/84	7-9/84
RECOMMEND SITES FOR CHARACTERIZATION	1/85	1/85	1/85
ISSUE SITE CHARACTERIZATION PLAN	--	N/A - SITE SPECIFIC	1/85
INITIATE EXPLORATORY SHAFT DEEP DRILLING	--	N/A - SITE SPECIFIC	3/85
COMPLETE EXPLORATORY SHAFT TESTING TO SUPPORT SITE RECOMMENDATION	--	TBD	TBD
SITE RECOMMENDATION FOR FIRST REPOSITORY	3/87	TBD	TBD
CONSTRUCTION APPLICATION TO NRC	5/87	TBD	TBD
CONSTRUCTION AUTHORIZATION FROM NRC	5/90	TBD	TBD
REPOSITORY OPERATIONAL	1/98	TBD	TBD