

MINUTES OF NUCLEAR WASTE BOARD MEETING

May 18, 1984

WM DOCKET CONTROL CENTER

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

'84 JUN 15 P4:29

Board Members Present:

- Warren A. Bishop, Chair
- Senator Max Benitz
- Donald W. Moos
- Representative Dick Nelson
- Representative Nancy Rust
- Richard H. Watson
- Senator Al Williams
- Dr. William Funk
- Ray Lasmanis, DNR Designee
- Dr. John Beare, DSHS Designee
- William L. Fitch, EFSEC Designee

WM Record File

161.3

WM Project

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Docket No.

PDR

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Distribution:

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

There being no objection, the minutes of the previous meeting were approved as published.

Special Order of Business

Warren Bishop introduced Lee Olson, Project Manager of the Basalt Waste Isolation Project at the Hanford Reservation, who gave a presentation on the scientific studies in the areas of hydrology, engineered barriers, and geosciences being conducted in the Columbia Plateau Basalt of the Pasco Basin. The Basalt Waste Isolation Program (BWIP) was established in 1976 at the Hanford Site to assess the suitability of different geologic sites for emplacement of nuclear wastes. The basalts underlying the Hanford Site are being evaluated by Rockwell Hanford Operations for the U.S. Department of Energy, and as part of the USDOE public information program they are presenting this series of documentaries around the state and the northwest. In the overview, Mr. Olson covered the history and status of the project. The presentation did not include the transportation and public information portions presented to the Council. However, Mr. Ed Ash, Director of BWIP Program, Rockwell-Hanford Operations, also spoke on the BWIP project.

Warren Bishop announced a letter had been received from Nick Lewis designating William L. Fitch as Designee for the Energy Facility Site Evaluation Council.

Mr. Bishop also announced a letter had been received from the Office of the Lieutenant Governor appointing Senator Dan McDonald to serve on the Nuclear Waste Board to replace Senator Kent Pullen.

Mr. Bishop went on to say the U.S. Department of Energy was planning to hold a briefing for first repository states and affected Indian tribes on the Mission Plan, Sighting Guidelines, and Environmental Assessment on June 1 in Washington, D.C. Because of the importance of this briefing it was his opinion a Board member from the House and one from the Senate should consider attending. He asked legislative members to consider and advise the Office of their decision.

Senator Williams advised he had sent a letter to both the House and the Senate suggesting they reappoint their representatives to the Board since the new legislation had created the Board with changed responsibilities. Charlie Roe, Senior Assistant Attorney General, recommended this be done.

Mr. Bishop further announced the proposed Westinghouse Energy Briefing Program to be presented to the Board had been indefinitely postponed.

Organization of the Board Vice Chair Selection

Because further questions had arisen in connection with the selection of a Vice Chair of the Board, Mr. Bishop referred the issue of eligibility to the Assistant Attorney General for continued study and consideration at the next meeting.

Memorandum of Understanding

David Stevens called upon Rick Olson to report on the revisions made to the Memorandum of Understanding, which was held over from the April 20 meeting. Mr. Olson said revisions were made to clarify the Memorandum, and the revised draft was sent to the Board members with the Agenda and Meeting Notice.

Mr. Watson moved the adoption of Resolution 84-8 as follows: "The Nuclear Waste Board approves of the Memorandum of Understanding between the Department of Ecology and the Nuclear Waste Board adopted on April 20, 1984 as a proposed MOU."

Senator Benitz then moved to adopt the four amendments proposed by him. Rick Olson explained the amendments to the Board. Following extensive discussion and direction by the

Chair that the amendments be referred to the Transition Committee for study and referral to the Board at the next meeting, the motion to adopt was withdrawn.

The main motion was adopted.

Rick Olson raised the question as to the actual title for the Advisory Council. The Act refers to it as the "Radioactive Waste Advisory Council" and usage calls it the "Nuclear Waste Advisory Council". The consensus was it should be consistent with the Board name, and Charlie Roe offered to take a look at the question and make a recommendation to the Board.

Since public comment is solicited in the Memorandum of Understanding before the Memorandum could be revoked or amended, it was suggested a sign-up sheet be provided at the beginning of the meeting to give the public an opportunity to list any items upon which they wished to testify. This will be done at future meetings, and Warren Bishop then called for public comment on the current actions. There was no response.

Bylaws

Proposed amendments to the Board Bylaws were presented for discussion. The Board concluded the Transition Committee should examine them in the same fashion as the amendments to the Memorandum of Understanding, and report back to the Board at the June meeting. Also to be considered by the Committee are alternative ways to deal with Bylaws in the WAC process. Drafts of the Committee's report will be prepared and sent to the Board prior to the next meeting.

Role of the Board

The document was discussed at the April 20 meeting and adopted as a proposed document with the opportunity for review and final adoption at the May 18 meeting. Rick Olson explained it could be adopted in the same manner as the Memorandum of Understanding, but should the first amendment proposed by Senator Benitz be adopted later, the Role of the Board would need a parallel amendment. Public comment was requested by the Chair. There was no response. Don Moos then moved Resolution 84-9: "The Board approves the 'Role of the Board'." The motion was carried.

Public Records Rule

Rick Olson reported no action was required at this meeting on the Public Records Rule. As a result of the adoption at the last meeting of the Public Records Rules on an emergency basis and authorizing the filing and beginning of the process to adopt those rules as permanent rule, they took

effect on May 1. They have been published in the State Register and the public has until June 8 to submit written comments. The public hearing will be held at the next regular meeting of the Board in June (now set for June 18), and can be adopted, or adopted as amended, at that meeting.

Consultant Contract Update

Mr. Stevens reported that based upon the recommendations of the Board at the Special Meeting on May 9, the Office met with Envirosphere on Monday to discuss the draft contract to make sure there was a common understanding on the services to be delivered. Later this week, Dr. Brewer visited the office of Envirosphere in Bellevue. Mr. Stevens stated it is hoped a contract could be signed within the next few days. Dr. Brewer added that regular presentations to the Board by contractor personnel will be standard. He then introduced Ms. Louise Dressen who will be the Project Manager for the contract.

Following discussion of the proposed contract, particularly Provision 9."k", Conflict of Interest and "l" Avoidance of Appearance of Bias", the Attorney General was instructed to clarify the language to the satisfaction of the Board and the Contractor.

Dr. Beare moved Resolution 84-10: "The Nuclear Waste Board approves of the revised draft form Memorandum of Agreement for technical and review services with Envirosphere Company and reauthorizes Warren Bishop to assist WDOE staff to negotiate the final Memorandum of Agreement with the contractor and as Chair to sign such agreement indicating Board approval if agreement is reached; PROVIDED, HOWEVER, that Warren Bishop shall withhold Board approval and seek approval from the entire Board at the next meeting of the Board if the contractor insists on changes from the form MOA herein approved if Warren Bishop deems such changes to be major changes." Motion adopted.

Well-Logging Proposal

David Stevens asked Dr. Brewer to report on the status of the WSU Well-Logging Proposal. Dr. Brewer said the Office was planning to request the U.S. Department of Energy to authorize the funds to proceed with the contract. Mr. Stevens added we hoped this would be resolved as quickly as possible.

C & C Agreement

Mr. Stevens reported an all-day meeting of the Federal/State Negotiating Team was held May 17 at Sea-Tac, and he felt it was one of the most productive meetings that had been held. He said they may be able to resolve all the issues of

concern, although there are still a few key issues not cleared. Productive discussion was held on the issues of foreign waste, defense waste, commingling, study, work stoppage, and payment in lieu of taxes. Tentatively scheduled are two negotiation meetings - one June 8 and the other for June 26. Proposed language will be exchanged on the issues mentioned between now and that time. In response to Representative Nelson's query on the subject of liability, Mr. Stevens said the issue is still before the negotiators and will have a prominent place on the next agenda.

Senator Williams questioned the proper state input to the decisionmaking process on the commingling of wastes, referring to the Chairman's letter of May 14, 1984, to Mike Lawrence, Acting Director, Office of Civilian Radioactive Waste Management, USDOE, concerning the state's position on commingling. Mr. Stevens replied he thought USDOE would act affirmatively on our suggestion to provide the state a copy of the USDOE draft report to the President concerning their decision whether or not to commingle civilian and defense wastes prior to its submission to the President. He added, that not only did the state wish to see a copy of the draft, but we would wish to send our comments and have them attached to the draft before it was sent.

Legislative Hearings

Mr. Bishop reported that he appeared before the Senate Energy Committee Friday, May 4, giving the Committee a brief overview of the organizational activities of the Office.

Role of the Advisory Council

A document describing the role of the Council was prepared and distributed to the Board to study. The Council will consider any suggested changes at the next meeting in June. Mr. Bishop said any input from the Board would be welcome.

Low-Level Radioactive Waste

Mr. Stevens said that because low-level waste management, particularly with respect to the Northwest Compact states, was included in the recently passed state Act, the Board requested a resolution be drafted delegating certain activities of the Board. He introduced Carolyn Jolly, who recently joined the Department of Ecology, as the person who will have the responsibility for low-level activities. It was explained this was being done because the Nuclear Waste Board is basically assigned the monitoring of the high-level waste activities. Mr. Moos pointed out the confusion of the terms applied to radioactive wastes, and expressed the hope this could be remedied in the drafting of any future bills.

Mr. Moos moved adoption of Resolution 84-11. Dr. Beare moved to amend the Resolution by deleting the second "WHEREAS". The motion was carried.

The question was called for and was carried without opposition. (See attachment for full text of Resolution 84-11).

USDOE Mission Plan - Vol. I and II

Mr. Stevens reported that copies of Volume I and II of the Mission Plan were received this week, and copies were distributed to each member of the Board. He said there will be a 60-day public review period, and solicited the reactions and comments from the Board. Since the comments from the office will have to be submitted by July 9, the suggestion was made to have a special session of the Board to go over any comments and suggestions made by the members and the staff. Mr. Bishop said this would be considered.

Review of Technical Issues

Dr. Brewer reported on the progress of the technical issues files being planned by the Office. He said the first order of business once the contract is signed will be a formal, computer-based tracking system for all of the issues in three general areas: public information, policy and management, and technical issues in several related and interrelated disciplines. He went on to say he saw the "issues" as an open question as opposed to an argument. He also said our equipment will be compatible with Envirosphere's IBM equipment and updates can be exchanged.

Administrative Matters

Mr. Stevens said he received an announcement today of the appointment by Secretary Hodel of Mike Lawrence as Manager of the Richland Operations Office. Alex Fremling, the current Manager, is resigning at the end of June. Mike Lawrence has been Acting Director of the Office of Civilian Radioactive Waste Management in USDOE. Mr. Stevens said he had known Mr. Lawrence since the inception of the program, and he is a very capable man, and should be a very competent replacement.

Representative Nelson raised a question concerning the two-shaft issue and wondered whether it could be converted to an actual repository. He questioned whether that would be considered going beyond the Act.

He also questioned whether the characterization work being done at Hanford is within the limits of the Act.

Mr. Stevens replied this has been a source of concern from the outset as to whether or not there were some built-in advantages because of the work that had been ongoing at Hanford. He said even two years ago we wanted some documentation that there was not an inherent advantage in site investigations carried on since 1976, and USDOE would not drive the schedule to get to an early decision. The response to our concern at that time was yes, they had spent a considerable amount of money on the Hanford site - at the end of this fiscal year it will be in excess of \$300 million - and yes, there was substantial additional information to gather at the other sites. However, imbedded in the Act, is a requirement no siting decision will be made until site characterization is completed at all sites.

USDOE also stated a decision would be based on the quality of information and quality of analysis. We did feel, he said, that the "proposed Hanford Exemption", part of the objective of which was to keep the activity going at Hanford, did not come out in the statute as it had been introduced. Therefore, there will be a consistency of effort and data gathering at all potential sites for a first repository.

Discussion continued on the subject, and Representative Nelson asked for comparative expenditure information on all nine sites under consideration. Mr. Stevens replied this could be obtained and would be transmitted.

Announcements

Mr. Bishop announced a letter would be sent to Dick Watson, as Chair of the Transition Team to restudy the "Organization of the Board, Vice Chair Selection", the "Memorandum of Understanding" and the offered amendments, and make recommendations to the Board at the June meeting.

Representative Dick Nelson announced the House Energy and Utilities Committee had invited Dr. Victor Gilinski, who is ending his term on the U.S. Nuclear Regulatory Commission as of June 6, to give them an overview of the whole program and the alternative of Monitored Retrievable Storage (MRS). Dr. Gilinski indicated a willingness to make this appearance after his resignation is effective, and Representative Nelson wondered if the Board would be willing to share his visit. Mr. Bishop asked that the Office be kept informed. Mr. Bishop also announced the June meeting would be moved from June 15 to June 18 or 19 to accommodate the Legislators who will be attending Legislative weekend committee meetings, and would advise the members as soon as the date could be cleared. (The date was later set for Monday, June 18, 1984, at 1:30 p.m. at the same EFSEC Hearings Room. Notices were sent.)

Public Comments

David Tarnas referred to point 10 of the "Role of the Board" concerning advising "the state's Congressional delegation on activity in Congress and in the federal government related to the disposal of high-level radioactive waste". He wondered if we could have some formal connection with the federal government to be advised of the actions in Washington, plus a communication network with other states involved. He mentioned using the High-Level Nuclear Waste Reference Center as a focus for this network.

Mr. Stevens replied we have embarked on such a procedure. There is a National Governors' Association Task Force on High-Level Radioactive Waste composed of representatives from the states that are involved in the whole repository program, or potentially involved in the program. The National Conference of State Legislatures has now received a grant to look at the high-level waste and they have a national committee set up, including representation of the Washington State Legislature. There is also a very loosely-knit organization of people from the first repository states trying to get a good exchange of information.

He said in our C & C Agreement we have asked for the opportunity to look at the programs in other states in order to be consistent in our efforts.

Mr. Tarnas also asked if staff had reviewed the memo from Golder to NRC dated April 19, 1984, reviewing various contractors' operations at Hanford. Since this report has not been received by the Office, a copy has been requested and will be reviewed.

There being no further business, the meeting was adjourned.

Attachment

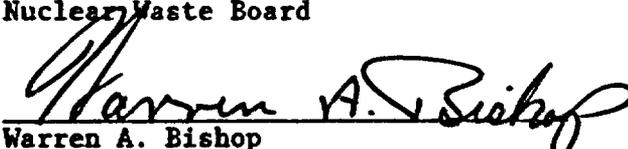
Nuclear Waste Board
Resolution 84-11

WHEREAS, The Nuclear Waste Board must or may perform the following duties relating to low-level radioactive waste:

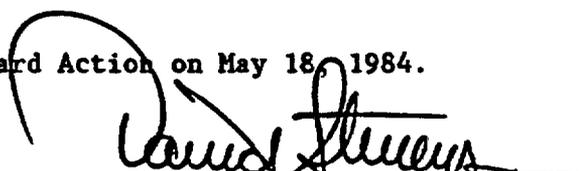
1. Submit at least semiannually to the Governor and Legislature a written report on the radioactive waste program. RCW 43.200.020. (Section 2, Chapter 161, Laws of 1984.)
2. May received federal financial assistance for carrying out radioactive waste management activities (concurrent with WDOE). RCW 43.200.020.
3. Identify and review state agency policies relating to the management of radioactive wastes. Section 3(1), Chapter 161, Laws of 1984 (ESHB 1637).
4. Assist WDOE to participate in the low-level waste policy act of 1980. Section 3(1), Chapter 161, Laws of 1984.
5. Monitor and comment on decisions of the northwest interstate compact committee on low-level radioactive waste management. Section 3(1), Chapter 161, Laws of 1984.
6. Receive recommendations from the Radioactive Waste Advisory Council on all aspects of the radioactive waste management program. RCW 43.200.050 (Section 6, Chapter 161, Laws of 1984); and

NOW THEREFORE, BE IT RESOLVED, That the Nuclear Waste Board requests the Department of Ecology, in consultation with the Department of Social and Health Services, to prepare staff analyses and recommendations for action for the Board consistent with the Board's duties relating to low-level radioactive wastes and to prepare for the approval of the Board, for inclusion in the semiannual report to the Governor and Legislature, a section concerning the low-level radioactive waste program.

Nuclear Waste Board


Warren A. Bishop
Chair

Approved by Nuclear Waste Board Action on May 18, 1984.


David Stevens
Executive Secretary