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MINUTES OF NUCLEAR WASTE BOARD MEETING

October 17, 1986

1:30 p.m.

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

Board Members Present:

Warren A. Bishop, Chair
Senator Max Benitz
Curtis Eschels
Dr. Royston H. Filby, Water Research Center Designee
Senator H.A. "Barney" Goltz
Ray Lasmanis, DNR Designee
Representative Dick Nelson
Nancy Kirner, DSHS Designee
Andrea Beatty Riniker
Representative Nancy Rust
Richard H. Watson
Senator Al Williams

Council Members Present:

Harry A. Batson
Phyllis Clausen
Nancy Hovis
Valoria Loveland
Sam Reed
W.H. Sebero
Betty Shreve
Jim Worthington

Mr. Bishop announced the early part of the meeting would be a Joint Meeting of the Nuclear Waste Board and the Nuclear Waste Advisory Council to hear special reports from Steve Frishman, Director of the Nuclear Waste Programs Office in Austin, Texas, and Robert Loux, Director of the Nuclear Waste Project Office in Carson City Nevada.

Because both men were delayed in arriving, Mr. Bishop introduced a guest from Japan, Mr. Waturu Takiguchi, Director of National Movement, Hokkaido Chapter of the Socialist Party. He was accompanied by Mr. Frank T. Yamamoto of San Francisco, his escort and interpreter.

Mr. Yamamoto explained Hokkaido, Japan is having its own problems with nuclear waste disposal, and Mr. Takiguchi had come to observe the Board's proceedings. Mr. Takiguchi said he had been invited by the United State government to study defense issues as well

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as the nuclear waste issue. He said he was born thirty-seven years ago, at about the same time the United States introduced democracy into Japan and he was here to learn more about it. He said Japan ranks fourth in the number of nuclear power plants and the move now is to introduce a disposal site into Hokkaido, which does not have a single nuclear power plant. Mr. Takiguchi said it was very unfortunate a scientific problem has become a political one. He expressed his thanks for speaking to the Board and said he would return to Japan next week.

Correspondence:

Terry Husseman referred to a letter date June 12 to Secretary Herrington to Congressman Broyhill of North Carolina, who has since become a Senator. The letter indicated that despite press accounts to the contrary the USDOE search for a second repository site has been discontinued, as a result, "there are no sites under consideration". Mr. Husseman said this seemed to confirm the state's opinion that there were no second sites under consideration and if and when a second round were started, it was the intention of USDOE to start over from scratch. In response to a question from Representative Nelson, Mr. Husseman said there had never been an answer from USDOE as to why they would start over on a second round and abandon the over \$100 million worth of work already done.

Also contained in the notebook were letters of interest relating to Oregon's search for funding. Currently Oregon is working under a contract with the state of Washington, and a similar arrangement is being planned for the next fiscal year. Mr. Husseman remarked Oregon would prefer to receive funds directly from USDOE.

Mr. Husseman referred to a paper distributed to the Board which related to the actions of the Congressional Conference Committee concerning the appropriation to the U.S. Department of Energy. Mr. Eschels said he contacted several of the Congressional staff members and those in Secretary Herrington's office, and the handout was staff notes from the Committee Report and not the official language. This should be printed in much the same form and available next week, he said. The conferees agreed to a level of \$499 million, the same level appropriated for fiscal 1986. It indicates \$79 million of that amount will be held back until there is approval from the two appropriations committees. Also contained in the language is direction stating that the cutback from the Administration's request is to be applied against the entire program and would not be directed toward first repository, second repository, or MRS. There is also direction from the committees to consult closely with the affected parties, particularly the affected states. There is also an acknowledgement that many of the important deadlines in the Act will not be met.

Mr. Eschels continued that there was specific language stating that no funds were provided for drilling of any exploratory shaft at any site in fiscal year 1987. In this connection Senator Gorton's staff telefaxed a letter sent to the Senator on October 16 by the Secretary of Energy, repeating the commitment and stating that USDOE would follow the language of the Conference Report to delay drilling until September of 1987.

Mr. Eschels added that approximately \$200 million of the appropriated funds for fiscal 1986 remained unspent, although most of it is obligated. In analyzing the figures,

Mr. Eschels said it appeared about \$620 million will be spent in this fiscal year, compared with to about \$300 million last year. He said if the spending would be twice as much as last year, there was the question was on what would it be spent. To date, he said, there has been no indication about this from the USDOE.

Mr. Husseman said in June the Office requested from BWIP a list of all the activities being carried out now relating to site characterization at Hanford and the activities planned through the end of the next fiscal year. A commitment had come from BWIP and Ralph Stein at USDOE Headquarters that they would provide the state with that list. The request was renewed about a month ago in a public meeting and Headquarters representatives indicated the BWIP office had put together the list which was still being reviewed in Headquarters. A copy was promised for mid-October, he said, and although the Richland Office had been cooperative in supplying the list to Headquarters, the holdup is in Washington, D.C.

Senator Williams inquired if the cutback in appropriations had had any effect on the state's grant requests. Mr. Husseman said it had not and a three-month extension has been taken on the current grant in order to negotiate a calendar year grant, beginning January 1, 1987. He said, based on the activities, it was not expected the grant would be reduced. Senator Williams asked if Washington State's grant request included the amount of money wanted by the state of Oregon. Mr. Husseman replied in the affirmative, and the money was added to the amount requested by Washington.

Senator Williams wondered if Oregon was satisfied with the grant arrangement with the state of Washington, and Ralph Patt, representing Mary Lou Blazek of the state of Oregon, replied Governor Atiyeh had expressed his concern and stated he would prefer the money come directly to his state, rather than through Washington State. Mr. Patt said as a technical person, he saw no problem with the arrangement, and only the Governor could give his reasons for preferring direct funding.

Representative Nelson expressed his concern about the confusion that seems to exist regarding the drilling of the first shaft. He referred to Mr. Mecca's remarks at the September Board meeting in which he stated he did not expect to see any drilling until early 1988. Representative Nelson said he saw no significance in the statement by Secretary Herrington that Congressional adoption of the Conference Report had any effect on USDOE plans. Ray Lasmanis said an item in a Spokane paper last week quoted the Secretary as saying USDOE was going to drill anyway by bringing forward funds from the past fiscal year. The letter, Mr. Lasmanis said, supersedes that statement. Mr. Eschels said the recent event had caused only a one-month delay in the drilling schedule, that is, the month of September, 1987 and it appeared that with the hold-over money from fiscal 1986 with the 1987 appropriation USDOE could go ahead with planned activities.

Representative Nelson continued by referring to Mr. Mecca's remarks on September 19 that site characterization could proceed without an approved Site Characterization Plan, but "should there be a differing opinion, the question would have to be examined from a legal point of view.". Representative Nelson asked if state Counsel was pursuing that legal question. Mr. Husseman replied that following the last Board meeting a meeting was

held with the Assistant Attorneys General to discuss this issue. Because a complete list of BWIP activities is not yet available, the Attorneys are unable to frame the issue. It was proposed to have the Governor send a 30-day letter requesting the needed information. Such a letter demands a response within the 30-day period. Narda Pierce explained that the Nuclear Waste Policy Act states there must be an SCP before drilling an exploratory shaft, and another provision says comments received during the hearing process on the SCP must be considered. The state's argument, she said, would be that before those comments can be considered they must have been received. Ms. Pierce said the attorney felt there is a good legal argument the USDOE has to hold the hearing and have the plan in place prior to conducting site characterization. She added there was a concern that USDOE might be doing site characterization illegally with the carry-over money, and for this reason the state is making a more concerted effort to find out precisely what they are conducting. Ms. Pierce thought the provision in the Act which requires a 30-day response to the planned letter would furnish the list of activities more expeditiously than pursuing this issue in a Court. Should there be no response within the thirty days and intermediate step would be an injunction to halt all activities and an appeal to the Court would give a quicker process for getting the answers the state wants.

Discussion of Texas and Nevada High-Level Nuclear Waste Repository Programs:

Mr. Bishop commented that Bob Loux of Nevada and Steve Frishman of Texas held a role in their states similar to that of Terry Husseman in Washington. He said it had been his pleasure on several occasions, representing the Board, to meet with these gentlemen and watch them perform in discussion with USDOE headquarters personnel, before Congressional Committees, and other hearings concerning the Nuclear Waste Program. Mr. Bishop, said that they, along with the affected Indian Tribes, compose the front line of the states' and Tribes' relationships with USDOE, and on many occasions, with Congress.

Terry Husseman thanked Mr. Loux and Mr. Frishman for coming to Olympia, and formally introduced them to the Board and Council. He remarked that both gentlemen had been involved in the program from the beginning and had a great knowledge of its history. He considered it very valuable for the Board and Council to learn first-hand the perspective of Texas and Nevada as two of the three finalists in the first-round selection.

Bob Loux - Nevada. Mr. Loux said the state of Nevada has been involved in the nuclear waste issue for a long time, the Nevada Test Site having been considered by USDOE and Westinghouse as a surface retrievable storage facility in 1972. The argument was back and forth, he said, to above-ground, below-ground storage and culminated in 1976 with the announcement by the USDOE (then ERDA) regarding the national terminal waste storage investigation. Nevada was one site under consideration at that time for a deep-mined geological repository. The debate until 1982 was concerned with what would comprise a national policy on the issue of radioactive waste disposal. As early as 1980, he said, Nevada was offered money and funds from USDOE to participate with the local Department of Energy Office in Las Vegas in overseeing and examining the developing program in southern Nevada as it related to looking for sites for high-level waste disposal facility.

Investigations of Yucca Mountain, the current choice for a site in Nevada, were begun as early as 1979. The state in 1980 initially had some concern about the acceptance of funds from USDOE at that time and rejected the offer as there was some view in the Governor's Office that there would be some appearance of collusion with USDOE. When Governor Bryan, the current Governor, was elected in 1982, one of his first directives was to get back in touch with USDOE to begin acquiring funds to set up a program within the state to review the issue. At that time a small office was set up with the funds received and detailed planning was begun and went on through most of 1983, when an office was set up within the Office of the Governor which existed until 1985. During that period the Nevada Legislature established a three-persons review committee to review the Office activities and those of the USDOE. In 1985 it was proposed the Office become a full-fledged agency, which the Legislature accommodated, creating a Commission on Nuclear Projects. This Commission provides guidance to the Legislature and the Governor on nuclear policy issues, as well as guidance to Mr. Loux' office. The Legislature in 1985 also increased its role in oversight in the program, expanding the three-person interim committee apparatus to a seven-person standing committee, which currently exists.

Mr. Loux said the Office for Nuclear Projects currently has about thirteen employees, the seven-member Advisory Commission - three appointed by the Governor and one each chosen from three nominated by the League of Cities and the Association of Counties, with the final two selected from a list of three proposed by the Legislature. All of these activities are funded through his office, Mr. Loux said. In the office there are two primary divisions, one engaged with review of the technical program and the other looking at planning efforts. He thought at some time in the future the office would move more into performance assessment, with a radiation health physics perspective, but currently they are looking primarily at the issues of geologic and hydrologic suitability.

Mr. Loux said the bulk of their work is accomplished through contracts in both divisions, using elements of the state's University system and the research arms associated with them looking at key questions in hydrology. Mr. Loux said many of these contracts have been in place for some time and in 1984 they proposed to conduct independent studies of Yucca Mountain using their own contractors independently funded from the USDOE into his office. The money was refused by the Department and this precipitated the state to seek judicial review of sections of the statute USDOE was relying on to prohibit use of the funds for state-sponsored independent study. Litigation was filed in December of 1984, and approximately a year later received a favorable decision from the 9th Circuit indicating the states should be capable of doing this kind of work as a natural part of the states' oversight of the program. At this time, he said, money is being received to conduct onsite technical studies, as well as reviewing the USDOE program.

Mr. Loux said a contractor out of Phoenix, Arizona has been retained on the socio-economic side. He is coordinating a major portion of the state's effort in this area. They have also begun looking at some of the transportation issues, participating in that context with the Western Interstate Energy Board (WIEB) which has had a USDOE contract for some time looking at many of the regional transportation concerns. Contractors will be engaged to look at some of the specifics of transportation as they relate to emergency management and preparedness, as well as routes, inspections, etc.

Incrementally, Mr. Loux said they had outgrown their budget over the last several years. In 1983 the grant Level was about \$350,000 and the current calendar year is approximately \$4.5 million. He said yesterday a budget was submitted to USDOE for calendar year 1987 in the amount of \$10.2 million.

Mr. Loux said in the legal arena Nevada is involved in many of the same pieces of litigation as Washington State, such as Environmental Assessment, Siting Guidelines, utilizing grant funds to bring judicial review of various agency actions, and others unique to Nevada.

Steve Frishman - Texas. Mr. Frishman said the Deaf Smith County site is in the Texas panhandle, about thirty miles southwest of the City of Amarillo. The formation there is bedded salt in the Polidero Basin - a large sedimentary basin of about 25,000 square miles that is overlain by younger sediments and the Ogallala formation, which contains the Ogallala aquifer. This is probably the largest and economically most important aquifer in the nation, he said. The Department of Energy has been interested in a site in the Palo Duro Basin since about 1976. Mr. Frishman said it was believed the primary reason USDOE chose this basin to look at was because it is one of the few basins in the mid-continent that has bedded salt at what is considered a workable depth of between 1,000 and 3,000 feet. The basin had not been very productive in oil and gas, although oddly enough, the more work done by USDOE and the state of Texas on this potential site, the more interest there has been from the oil companies. All of the basin is held privately and all of it is under intensive farm production and Mr. Frishman said he had been encouraging the farmers to wildcat the site, but even with the low cost of drilling, most have not decided to take this approach.

When the USDOE came to the Texas Bureau of Economic Geology, which is associated with the University of Texas, and asked if they would be interested in participating with them in some early geological characterization of the basin, the Governor, the President of the University, and the Director of the Bureau at first said "No". About six months later when the request was repeated, the rationale was that if the USDOE were going to work in the state, the state should be involved with them to the point where the state became the technical expert on the geology of that basin. This he said, has been the rationale that has carried Texas to this date since 1976. The contract that exists now allows the state's geological survey to work as a contractor directly to the U.S. Department of Energy on geologic characterization of the entire Palo Duro Basin. USDOE's prime contractor, Battelle, also has a geologic program manager and there have been some long and drawn-out technical arguments with that program manager. Mr. Frishman said because Texas has freedom of publication through their agency they have managed not to become involved in a conflict of interest of any consequence and they have much better information and access to information than they believed they would have had in other ways.

Mr. Frishman said Texas did not have an organization to oversee the USDOE program until about 1981-1982. As the program expanded and USDOE's interest developed, the Texas Energy and Natural Resources Advisory Council became the contractor for the USDOE working in the state. The Council consisted of the Governor and Lieutenant

Governor as Co-Chairs, with the heads of all the natural resources agencies, whether appointed or elected. About eighteen people served on this Council. For many reasons, he said, the Advisory Council was not re-authorized by the Legislature in 1983.

Mr. Frishman said he was Director of the program within the Advisory Council, and when it was apparent the Legislature was not going to renew the Council his office was moved into the Office of the Governor. The office is now housed in the Governor's General Counsel office. He said his current orders from the Governor are largely to be prepared to make a recommendation to the Governor and the Legislature whether or not to exercise a Notice of Disapproval on a repository site and to provide the rationale. The Governor has also committed, and publicly said, that not only does he not want an unsafe repository at the Deaf Smith site, but he does not want an unsafe repository in the country. Mr. Frishman said the Governor is very pleased to provide his consent for Mr. Frishman to participate in meetings such as the one today.

Mr. Frishman said his office is a small one, consisting of him as Director with an advanced degree in geology, a Deputy Director who is a nuclear engineer, a geologist, a public information person, and should the Department set up an office in the Texas pan-handle, there would be a person there to be his eyes and ears, with the consent of USDOE. There is also a person who devotes full time to liaison between Mr. Frishman's office and affected local governments.

The grant situation provides the office with the ability to contract for components of the technical work they believe needs to be done. Mr. Frishman said his objective throughout has been to contract with state agencies to the greatest extent possible where the expertise can be found on the level most beneficial to the program. The Texas Department of Agriculture is very much involved as Deaf Smith County is the leading agricultural-producing county in the state and in some commodities is in the top two in the nation. In virtually all commodities produced it is in the top ten in the nation. The program is looking very carefully at the perception of contamination and risk having very large impacts on marketing. In Nevada, he said, it is a situation with tourism, but in Texas it is a case of agricultural production. Deaf Smith County feeds out approximately one million head of cattle a year, and gross receipts according to the U.S. Department of Commerce for the county in 1982 were \$560 million for the year. This compared with Maryland, a fairly high-quality agricultural-producing state, whose gross receipts were \$300 million for 1983.

Mr. Frishman said his general approach had been to look at the regulatory structure involved in repository siting, licensing, and development and select the issues which seem to be the most important. This means, he said, early decisions important on the side of the USDOE regarding the suitability of even continuing with the Texas site. Based on the research already done in Texas on the rock and salt formations, it is believed that the site is very unlikely to be licensable. Their work, he said, indicates to them that the retrievability requirement cannot be met and there is good analogous data from the WIPP site in New Mexico that supports that conclusion. Texas also maintains it is unnecessary to risk the quality of the Ogallala aquifer, which is the source of all the agricultural production and the water in the area.

In 1983 the Texas grant from USDOE was about \$215,000, in 1984 the figure was about \$650,000, and the 1985-86 grant proposal which was negotiated with the Project Office has not been approved. Mr. Frishman said they had been running on extensions ever since. Last week a proposal for FY 1987 was submitted, which would commence in December 1, then looking at a calendar year grant. This proposal is for an annual grant of \$6.7 million and is awaiting official review. He said they anticipate there will be some reaction in terms of some funding reduction, and more importantly, some restrictive language indicating Congress has been listening to the states in the last year and a half or so.

In response to Senator Goltz' question it was brought out both Nevada and Texas have had contracts to study the socioeconomic impacts of a repository. Texas is upscaling its data collection efforts since USDOE will not be collecting this information for two years. Senator Goltz thought the three states should try to seek a common methodology with common factors to include in their assessments. The perception of risk is a very difficult issue to demonstrate, and yet it is that kind of response that will have a very profound impact upon the economic welfare of the area in which a repository eventually will be located. He urged keeping the communication open so that the way in which the assessment is made will be commonly understood. Mr. Loux assured him they are in very close contact with the Washington State Program Office in this regard. Mr. Frishman agreed with the sharing of information among all three states although it should be recognized that in some areas a common methodology could be adopted to serve all three states. It should also be noted there would be different priorities on socioeconomic issues based on the characteristics of the site and the surrounding communities. He referred to the Payment Equivalent to Taxes (PETT) issue as an example of the need for the states to come to some agreement among themselves and offer a counter-proposal to what the USDOE is developing now.

Discussion continued on the economic risk of a repository, particularly as it referred to the water resource of the Columbia River and the Ogallala Aquifer. Mr. Frishman referred to the Texas litigation filed against the Environmental Protection Agency concerning their rule for environmental standards for a repository. The proposed rule contained nothing concerning groundwater protection. A decision is pending on this litigation. Mr. Frishman said the final rule on groundwater protection provision is "wordsmith" to the extent that it exempts the Ogallala from protection. Another issue in Texas, Mr. Frishman said, is the water rights issue and since the proposed site is all privately-owned land, the USDOE will have to acquire the land, including the water rights, which will have an impact on surrounding owners. Regarding the perception of risk, Mr. Frishman thought this was an indirect issue, but the USDOE is under estimating the magnitude of the problem.

Mr. Frishman added that Texas has been clipping the newspapers of the world on article written since the Chernobyl incident, sorting them out in an effort to analyze the world market reactions to the agricultural products which have been affected, and the real contamination and its effects as opposed to the perception of contamination and those effects. The overall effort is to try to quantify the duration and intensity of world market effects as a result of real contamination and as a result of the perception of contamination.

Senator Williams mentioned he believed there was a common feeling among the three states about the credibility of USDOE in light of recent event. He said a similar problem of credibility existed with USDOE's contractor in the state of Washington and wondered if this were a problem in the other two states. Mr. Loux replied that Nevada's level of confidence was extremely low. Nevada has a unique situation in that the USDOE performs the role of managing the project, using a multitude of subcontractors. All of these, for the most part, are the national laboratories, such as Lawrence Livermore, Sandia, Los Alamos, U.S. Geologic Survey, and others. Mr. Loux thought their work was some of the worst he had seen in the Federal government and one of the reasons Nevada decided to some of their own field work was primarily related to observing the results of USDOE's field work. He said almost all of the contractors at the Nevada site are shut down for the same reasons that Rockwell was shut down in Washington, the quality assurance program violations. Although the local USDOE Project Office had been far more receptive to Nevada's involvement in the program than Headquarters personnel, overall, Mr. Loux, said there was no focused attempt to look at the problems and questions concerning Yucca Mountain's suitability as a site, and no focused research effort to try to find answers to those questions.

In Texas the situation is slightly different, Mr. Frishman said, as the Project Office is supported by a prime contractor who has been involved in the high-level waste business for quite some time and at one time had the Headquarters contract. He said the contractor problems encountered are not directly related to Texas, but related to the entire program. They are constantly reviewing their materials as there is a strong tendency to upscale the favorable and make the unfavorable disappear. He thought the main motivation was to get on with the program. He said what Texas perceives to be bad technical work has resulted in decision because the contractor is driving to move the program and the USDOE staff has not been able to keep up with them.

Mr. Frishman said he thought the contractor relationship developed in this kind of program resulted from the schedule of the Act and the grandfathering of three sites, which were pushed by the then contractors back in 1981-1982. He stated a bill was introduced in Congress about two years ago, not by the Texas delegation, that suggested a number of ways to improve the program and named the one contractor in the bill as being ineligible to have anything further to do with the program.

Mr. Eschels commented that emphasis by the three states on the elements they have in common would strengthen the whole situation. There was general agreement that cooperation was essential and would be continued. Representative Nelson inquired if either gentleman could suggest other issues of cooperation, in addition to the efforts already mentioned. Mr. Frishman said one issue they have just begun pursuing the possibility of Congress imposing some restrictive language on the Department and a nominal restriction of funds. The states have a responsibility to rewind the process in a way that makes sense for the nation to address the problem of disposing of the wastes. All three states and the affected Indian tribes are trying to get their thoughts on paper to develop a road map, he said. Input on this problem is welcomed from all interested groups. Mr. Loux concurred with this position and cited the Price-Anderson efforts as a good example of

the cooperation of the affected parties, and the PETT program is another example of working together. Mr. Frishman noted the overall transportation issue is another area of cooperative action in order to arrive at a common approach.

In light of Washington State's difficulties in obtaining a list from USDOE of planned activities at Hanford, Mr. Husseman inquired if Nevada had had any success in obtaining a list for their program. Mr. Loux said he understood such a list is not yet put together, although the field office had a general idea of what the list should contain. He felt there was a major disagreement with the Headquarters people about the format and how it relates to site characterization activities as a whole. He said Nevada continued to request the information and to build a record of requested information needed. Mr. Frishman added that Texas had a slightly different situation in that relative to the Deaf Smith County site, the USDOE owns nothing other than a map. There have been about ten drill holes put down since 1977, and Texas has had direct involvement in siting those holes and the analytical program that went on as a result. There is, however, a contractor's draft report on activities that will take place on the site, including the scheduling, number of people involved, etc., which has not been distributed.

Mr. Frishman continued by saying that there are these draft activity reports floating around, official or not, but USDOE has not yet done the two prerequisites to deciding how to test the site. One, he said, is a very carefully designed, rigorous, and generally accepted performance allocation for the repository area they are studying. Following that a Site Characterization Plan is needed, which would be the overall rationale for what the testing program is going to be. He felt USDOE is making fundamental errors that are going to be incorporated into the program because they are again approaching it backwards. The concern to him, he said, is that USDOE is doing all this without having done, discussed, consulted with the public the overall big plan of what it is they are after. Mr. Loux agreed and said he thought it was not because they were withholding the plan, but because they did not have it.

Betty Shreve of the Advisory Council inquired about the citizen involvement program in the two states. Mr. Loux stated Nevada had a public affairs manager who works full time in this area, but the efforts have been largely related to transmitting information about the Nevada program and USDOE's efforts through Newsletters, Fact Sheets, slide shows to service groups and interested groups. In production is a narrated video to be distributed to school districts. USDOE has begun work on a program to present in the junior high and high school system a fundamental outline of radioactive waste and its history and the state Department of Education, his office, and the State PTA are involved in critiquing this presentation. Mr. Frishman said Texas was approached by USDOE in 1982 with the request to consider doing the USDOE's information program. The state refused, and said the state had funded some public interest groups in the Texas panhandle with fairly narrow constraints about the development of technical information to evaluate the Department's program. They make their findings available to the public through various mechanisms. The USDOE has three information offices in the Texas panhandle and the public interest groups have their materials there also. Mr. Frishman said local governments are also furnishing information and concerns to the public under the auspices of the Texas

program. As yet Texas is not producing newsletters, Fact Sheets, etc., he said, primarily because the information is getting out in a reasonable way now. On a time series basis his office surveys the general public of the panhandle to determine the level of information.

Mr. Bishop expressed his personal appreciation and that of the Board to Mr. Loux and Mr. Frishman for sharing the elements of their program.

Minutes

It was moved and seconded that the Minutes of the September 19, 1986 meeting be approved. Motion carried.

Richland USDOE Report

Max Powell of USDOE Richland reported they were unable to comply with the request for an in-depth report on the Quality Assurance program at Hanford as the Director of that division was out of town on a source evaluation board to select the USDOE support contractor. He suggested this review of the QA program at BWIP be given at the next meeting of the Board. One item not related to BWIP was the selection of the Architect and Engineering Construction Contractor yesterday, which is Kaiser Engineering.

Mr. Powell said they had no further information from Headquarters concerning the funding for the Department for fiscal 1987. He said Richland had basically the same figures as the state had of \$420 million and \$499 million, with approximately the \$200 million carry-over from 1986. He anticipated the reduction would not affect the grants, although no formal comments have been received from Headquarters. In talking with Headquarters yesterday, he said he understood there is language in the appropriations bill that grants \$2.5 million directly to the state of Oregon for five years, so it appears Oregon will get its money directly from the Waste Fund and not through the state of Washington. However, this has not been made final. In response to Representative Nelson, Mr. Powell said he did not know how long the stop-work order at Richland would hold, but he could check and respond later. Mr. Bishop asked that an official communication be sent to the Board.

Mr. Lasmanis asked if the Richland Office could help to speed up receipt by the state of the draft Site Characterization Draft Plan now held up in Headquarters. Mr. Powell said he believed a meeting was being held this coming week in Washington, D.C. concerning this issue, but he would take the message back to Richland to see if anything could be done.

Oregon Report

Ralph Patt of the Oregon Department of Energy reported for Mary Lou Blazek. Mr. Patt said he was pleased to hear funds might be coming directly to Oregon from USDOE, although Oregon had no problem with the current arrangement.

On the litigation the Oregon Attorney General's Office met with the Washington Attorneys last week. The two states continue to coordinate litigation activities. Oregon,

however, will not be joining the second repository litigation, primarily because of budget limitation.

The Oregon Hanford Review Committee has completed the final Environmental Assessment review. The group does not feel that all comments on the draft have been adequately addressed and specifics of this review will be sent to USDOE. Comments will also be given to the Attorney General for litigation support and will be furnished to the Board when complete.

The Oregon Annual Report was provided as a handout to the Board. It describes Oregon retrospective work on Hanford and work under the 1985-1986 contract by the Oregon Department of Energy and sub-contractors.

The ODOE worked with Senator Hatfield's office to encourage support for Senator Gorton's request for health study funding. This request and support was prompted by recommendations from the Hanford Health Effects Panel.

The Department of Defense authorization bill was still in conference on October 10, 1986. Congressmen Dingell and Wyden have written a letter in support of the House version to the Armed Services Sub-committee. Senator Hatfield is still working to cut first repository funding. Should he be successful, no site-specific work would be authorized. Congressmen Bevill of Alabama and Udall of Arizona are strongly supporting full funding for the first repository. The Superfund has been authorized with more state control of cleanup. This may be especially important, if any Hanford disposal sites fall under Superfund.

In response to Mr. Bishop's inquiry about Oregon's not joining in the second-round repository litigation, Narda Pierce said this morning in a conversation with the Oregon Attorney General's office she learned that one claim by the Justice Department is that the Court should not hear Washington's second-round motion because it would prejudice the other parties who have raised that issue, including Oregon. Oregon will be agreeing that the case can be heard and will not be opposing the Court hearing the Washington State motion on an expedited basis. Either Oregon will file this notice with the Court or Ms. Pierce will file her statement that Oregon has authorized her to represent them.

Hanford Health Effects Panel Recommendations - Possible Action on Resolutions

Nancy Kirner briefly summarized the results of the Hanford Health Effects Panel meetings held last month in Richland. Because the subject was thoroughly reviewed at the Joint Board and Council meeting yesterday, Ms. Kirner referred only to the Preliminary Recommendations.

Community Epidemiology. The primary recommendation was that additional studies should be conducted, focusing on the thyroid, focusing on populations that lived in the area of the Hanford Reservation, with smaller studies that could be conducted, focusing on children. Implicit in all of their studies was a need to do feasibility and statistical power calculations prior to any commitment to a long-term protocol. It was also noted throughout the recommendations the need for the state to secure funding from one source

or another, generally from the U.S. Department of Energy. Another recommendation was the establishment of an integrated health surveillance system, such as a tumor registry, coordinated with Oregon and Washington.

Hanford Workforce Epidemiologic Studies. The Panel recommended that the current studies should include morbidity, as well as mortality, and that the mortality study include military construction and contractor personnel. Current workforce studies are now beginning to include morbidity data for the present workforce. Recognition was also made that hazardous chemical exposures must also be included in analyses of any disease or mortality studies.

Environmental Monitoring. The major recommendation was the historical data gaps must be filled as much as possible, recognizing that after 40 years it is very possible there will be holes that cannot be filled. Again, recommendation for funding, assuming it would come from USDOE, should be sought for participation by states in emergency drills. The Panel recognized the ongoing efforts with the Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response Compensation and Liability Act (CERCLA) at the Hanford Reservation and encouraged continued studies in that area. Also recommended was that some of the data gaps could possibly be filled by doing depth profile sampling of soils. The Panel thought an independent assessment of Washington and Oregon monitoring program should be conducted.

Dose Reconstruction. The Panel was concerned enough with the relatively large releases of Iodine in the 1940's and early 1950's to recommend that population dose estimates be made. This, along with the community epidemiology recommendation, comprise two of the most expensive of the recommendations made.

Policy on Release of DOE Research and Data. The Panel recommended certain checks and balances on release of USDOE Research data aimed at making the data available for peer review, while protecting the interests of the various epidemiologists working on the original data.

Response to Public Testimony. The Panelists encouraged the Department of Social and Health Services, the state of Oregon, and the Indian Health Services to respond to those persons who testified and give them good epidemiological and medical data concerning their potential disorders and the likelihood, if any, they were caused by any radiation exposure. Ms. Kirner requested any letters from constituents received by the Board members be sent to her and/or Dr. John Beare at the Radiation Unit of DSHS. She plans to put together a central file of this data and information and respond personally to each individual.

Ms. Kirner pointed out that she had mentioned only the highlights of the Hanford Health Effects Panel recommendations, and suggested the entire report be read. The final report is due out approximately January, 1987.

Senator Goltz asked if the social and economic study will include and try to place a price on any negative effects to health caused by radiation exposure. Mr. Eschels said this was being examined from the health impact viewpoint as well as the perception of health risks.

Mr. Bishop asked Joe Stohr to explain briefly plans for further discussion and action by the Board and Council. Mr. Stohr referred to his Memorandum of October 13 to the Board and Council, in which he divided the thirty-four recommendations into three functional groups for study and implementation. This would be a first step to allow the Environmental Monitoring Committee and the Hanford Historical Documents Committee to review, establish priorities, and determine the feasibility for implementing the various recommendations. The three categories are: 1) Regional Studies; 2) State and Tribal Actions; and 3) USDOE Actions.

The Historical Documents Committee would take those documents of a regional nature and address them as a part of their total charge. The Environmental Monitoring Committee would represent the Board and the state of Washington in addressing the State and Tribal actions identified. USDOE recommendations would be addressed through a proposed Resolution, with follow-up letters. All of this organization was reviewed by Dr. Filby, Chair of the Historical Documents Review Committee, and Nancy Kirner, Chair of the Environmental Monitoring Committee. For those overlapping recommendations an effort was made to place them into the applicable categories.

The Memorandum includes an index of the recommendations according to their position in the original document. The last two pages contain Mr. Stohr's first attempt to prioritize the regional studies and the State and Tribal actions. It does not include consideration of work that has been done in the past which might affect priorities or the feasibility for doing individual recommendations. The committees would have to consider these two items.

Dr. Filby commented that although the Historical Documents Committee had not met formally since the Panel meeting, four of the members of the committee sat through all of the deliberations of the Panel. He believed they were in agreement basically on the outline described by Mr. Stohr. He felt this was a logical division of the results of the Health Effects Panel, and the Historical Documents Committee will meet on October 30 in Portland to consider this input, in addition to any other that may come from Oregon and the affected Indian tribes.

Ray Lasmanis inquired if the studies proposed would be acceptable to the Nuclear Regulatory Commission in any future decision-making. Dr. Filby said he could not answer at this point. One of the problems in this regard, he said, would be in terms of dose reconstruction. There is no quality assurance data on the data collected.

Resolution 86-6

Mr. Husseman said the goal today was to assign the recommendations to appropriate entities to make sure the implementation begins. The Draft Resolution before the Board with a proposed addition recognized the excellent work of the Panel members and the staff in the Hanford Health Effects Panel meetings; to express the position of the Board that the reasonable and necessary costs of the studies should be funded by the Federal government; and to direct the staff to begin the process of carrying out the proposed recommendations.

It was moved and seconded that Resolution 86-6 be placed before the Board for action. Motion carried.

The Draft Resolution and proposed addition were discussed by the members with suggested additional language requiring the Chair of the Board to present progress reports.

The Board unanimously approved the modified Resolution. (Resolution 86-6, as modified, attached.)

Federal Legislation

Liability Legislation (Price - Anderson). Charles Roe, Assistant Attorney General, reported no action appeared to be imminent in either the House or Senate on a package to resolve the issue of liability. Attempts earlier this week were made to bring about a resolution of the differences between the two houses and they failed. The issue will now be taken up next year, he said, unless there is a lame-duck Session of Congress, and discussions would probably pick up from the present point.

Litigation. Narda Pierce, Assistant Attorney General, said the state had filed its final brief on the litigation funding issue. The challenge to the denial of funding to pursue litigation by Nevada and Washington were consolidated in the state's brief filed earlier this month. The Department of Justice will be filing its brief at the end of the month. It is expected this will be one of the first cases to be resolved.

Ms. Pierce said concerning the response of the U.S. Department of Energy to the state's motion to declaratory relief on the second repository issue, USDOE chose to respond to the state's motion for an expedited hearing, but not to respond to the merits of the issue. The state is preparing a response, asking the Court to require them to respond on the legal merits of the case. One reason USDOE gave to the Court in asking that Washington State's motion not be considered was that other parties have also filed challenges to the second repository suspension and those other parties would be prejudiced if the Court decides only in Washington's case. Agreement was reached this morning among all the different parties, including Oregon, Texas, Coalition for Safe Power, National Parks and Conservation Association, and a Texas citizens' group that is intending to file a second repository lawsuit. All have agreed Ms. Pierce can represent to the Court that they have no opposition to the Court hearing this motion in the context of Washington's case. Some of these parties will be asking to file briefs in support of the state's motion, or file their own motions to be considered along with that of Washington State.

Representative Nelson referred to the \$100 million spent on the second repository selection and asked if the waste of that sum could be litigated. Ms. Pierce said that would not be brought up at this time. The state is saying that it is a matter of law, no matter what his reasons, the Secretary cannot suspend that second repository program. She said there is a recent report from the General Accounting Office (GAO) regarding the second repository issue. They indicate that Ben Rusche, when interviewed, said one of the reasons the second repository program was suspended was the 60,000 negative comments received. Also mentioned in the report were some of the budgetary aspects. This knowledge will be submitted to the Court, Ms. Pierce said.

Report on Side-Looking Airborne Radar (SLAR) - Survey of Hanford Area

Dr. Brewer reported there was a brief write-up of the SLAR in the members' notebooks. The display in the rear of the room showed some examples that were much closer to the actual image quality that can be expected from the survey which will probably be flown within the next three or four months. He pointed out that this is not a U.S. Department of Energy program. It is a job that is being done by the U.S. Geological Survey under Congressional direction from several years ago. For three years Dr. Brewer said he and Ray Lasmanis had been urging the Survey to consider Hanford and they are now going to do it. Dr. Brewer said he had seen the equipment, and it is absolutely first rate.

Public Involvement Report

Mr. Bishop referred to a letter sent him and a News Release from KCTS Channel 9 regarding a film funded by the National Broadcasting Company. It is a documentary on the search for a site for burial of high-level nuclear waste, and will be shown on Channel 9 in this area of the state on Monday, November 3, at 9:00 p.m. It will be nationally televised on December 15. Mr. Bishop said KCTS has been working on this documentary for about eight months, and the Office has been heavily involved in that effort. When it has been shown, Mr. Bishop said two clips would be available for the state's Public Involvement Program.

Marta Wilder reported one public meeting had been held on Referendum 40 in Spokane on October 14. Warren Bishop, Dr. Brewer, and Max Power of the Institute for Public Policy were in attendance. She said only about 25 people were in attendance. The other meetings are scheduled for the following dates:

October 21: First Presbyterian Church, 4300 North Main,
Vancouver, Washington

October 22: Yakima Valley Community College, Student Union
Building, South 16th Avenue & West Nob Hill
Boulevard, Yakima

October 23: Kamiakin High School Auditorium, 600 North
Arthur, Kennewick

October 28: Seattle Center, Nisqually Room, Seattle

All meetings will commence at 7:00 p.m.

In addition, Ms. Wilder said, Jerry Parker gave a presentation today at the Advisory Council meeting; Terry Husseman will give a presentation in Seattle at the Plymouth Congressional Church on Sunday, October 19; and a request was just received for a presentation in Bellingham on October 30 which will be attended by Betty Shreve, Advisory Council member.

Ray Lasmanis commented he had passed along a request from a Mr. Schragg in Walla Walla for a presentation to their Rotary Club. Mr. Eschels said he had received three requests: on October 23, the Nuclear Awareness Group of Group Health Cooperative has a meeting which includes both high-level wastes and foreign wastes shipments; on the 28th the Olympia Lions Club has requested him to discuss high-level waste; and a Seminar will be held on the 29th of October sponsored by the Group Health Cooperative in the General Administration Auditorium in Olympia at 7:00 p.m. He said he would be making the presentations at these three meetings.

Nancy Kirner said as a result of the Hanford Health Effects Panel meetings, a request had been received to speak to the Rockwell Speakers' Bureau. Ms. Kirner asked if the Board had a Logo yet. Marta Wilder responded this was still being refined and there should be one to consider by the next meeting.

Washington Institute for Public Policy

Max Power of the Institute said he hoped the Institute has been able to provide background on Referendum 40 for Legislators and Legislative candidates, as well as the public and have been trying to publicize the meetings. He said one of the issues papers being distributed by the Institute deals with the site selection process and the current activities, some historical perspective to the selection of geologic disposal as a preferred means, and some of the developments, with a brief summary of the Board's proposals, those of the Governor, and those contained in the legislative action on August 1 about revising the process. Also included was an explanation of how these actions had been incorporated in the bills introduced by Senator Gorton and by Representatives Swift and Morrison in the Congress.

Also compiled by the Institute was an index delineating the location of the Act of common issues being discussed. The Institute is planning a Workshop for all the members of the Legislature on December 3 to be held at The Evergreen State College to discuss the risks, perceptions, and alternatives relating to the repository program.

Committee Reports

Oral reports were deferred to the November meeting.

Other

Mr. Bishop stated that future Agendas would be altered to allow more time for in-depth discussion of important issues which might eliminate some of the normal items.

Public Comment

None.

There being no further business, the meeting was adjourned.

NUCLEAR WASTE BOARD

RESOLUTION 86-6

October 17, 1986

WHEREAS, the Nuclear Waste Board requested the Centers for Disease Control to convene a panel of independent experts to assess the adequacy of previously conducted and ongoing epidemiologic studies and the feasibility and usefulness of conducting further epidemiologic studies of delayed health effects on and around the Hanford site; and

WHEREAS, the Centers for Disease Control strongly supported the request and asked Dr. Jim Ruttenger to follow-up on the request; and

WHEREAS, Dr. Jim Ruttenger, with advice and counsel from the state of Washington and Oregon, plus the affected Indian tribes, selected and convened a panel of epidemiologists and respected scientists to review and evaluate epidemiological data concerning the health effects of Hanford radionuclide releases; and

WHEREAS, the Hanford Health Effects Panel was composed of the following members:

**Glyn Caldwell, M.D. (Panel Chair)
Robert Alvarez
Henry Anderson, M.D.
Allen Benson, Ph.D.
Steven Blum, Ph.D.
Donald Hendricks
Vilma Hunt, B.D.S.
Vietchau Nguyen, Ph.D.
Lincoln Polissar, Ph.D.
James Smith, Ph.D.
David Willis, Ph.D.
Harold Wyckoff, Ph.D.
Bernard Shleien, Pharm.D.**

WHEREAS, the Department of Social and Health Services, Office of Radiation Protection staff provided valuable assistance to the Panel; and

WHEREAS, Dr. Caldwell, Panel members, Dr. Ruttenger, and support staff are to be applauded for the long hours worked and the diligent effort expended; and

WHEREAS, individual Panel members had strong personal convictions about the issues, but they were able to come together to formulate recommendations which were unanimously supported.

WHEREAS, the Nuclear Waste Board endorses the Panel's recommendations and recognizes the long-term implications involved with the associated follow-up investigations and implementation.

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

- 1. The Board expresses sincere appreciation to Dr. Caldwell and each member of the Panel, to Dr. Ruttenger, and to support staff for their substantial and significant contributions.**
- 2. The federal government, as operator of the Hanford facilities, has an obligation to fund studies, allow access to available information and make available to the states and tribes all capabilities that would allow a follow up on the recommendations.**
- 3. The Board directs the Nuclear Waste Board Chair to work with the Environmental Monitoring Committee, the Hanford Historical Documents Review Committee and the U.S. Department of Energy to ensure an appropriate follow-up and to report annually on the Panel recommendations.**
- 4. The Board directs the Nuclear Waste Board Chair to transmit a copy of this resolution to Dr. Caldwell and each member of the Panel, to Dr. Ruttenger, and to appropriate persons in the U.S. Department of Energy and the Centers for Disease Control, and to Congressional delegations from the states of Washington, Oregon, and Idaho.**

Approved at Olympia this 17th day of October, 1986.


WARREN A. BISHOP, CHAIR
Nuclear Waste Board